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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SAN JOSE DIVISION

DR. ANDREW FORREST,

Plaintiff,

v.

FACEBOOK, INC., a Delaware
Corporation, and DOES 1 through 20,
inclusive,

Defendants.

Case No. 5:22-cv-03699-PCP

Judge: Hon. P. Casey Pitts

Third Amended Complaint for:

- (1) Misappropriation of Name and Likeness;
- (2) Promissory Estoppel;
- (3) Negligence;
- (4) Negligent Failure to Warn;
- (5) Unjust Enrichment; and
- (6) Declaratory Relief.

DEMAND FOR JURY TRIAL

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1 Plaintiff Dr. Andrew Forrest ("Dr. Forrest"), through counsel, brings this Third
 2 Amended Complaint ("TAC") against Defendant Meta Platforms, Inc., formerly
 3 Facebook, Inc. ("Meta")¹ and DOES 1-20 (collectively, "Defendants"), to secure
 4 damages, injunctive relief, and other appropriate equitable relief.
 5

6 I. INTRODUCTION

7 1. Plaintiff Dr. Andrew Forrest is an Australian businessman, philanthropist,
 8 and public figure who has been plagued for years by paid ads and sponsored content
 9 produced by Meta Ads and run on Meta's Australian social media platforms, in which
 10 he falsely appears to be promoting fake cryptocurrency and other fraudulent financial
 11 schemes ("Scam Ads").²
 12

13 2. The Scam Ads started running in 2019 and have not stopped to this day,
 14 despite this lawsuit having been pending for over two years. In fact, their number
 15 appears to be growing. An example Scam Ad is pictured below: ³
 16
 17
 18

19
 20 ¹ Facebook, Inc., changed its name to Meta Platforms, Inc., on or about October 2021.
 21 This Third Amended Complaint uses the terms "Meta" and "Meta Inc." to refer to Meta
 22 Platforms, Inc. and uses the term "Meta Ads" to refer to Meta's advertising business.
 23 Except where otherwise indicated, the term "Facebook" refers to the social media
 24 platform known as Facebook, which is one of Meta's social media platforms.

25 ² Scam Ads as used in this TAC include: advertisements produced by Meta in any form,
 26 including displays labeled "sponsored" and any landing pages linked to such
 27 advertisements, that run on Meta's social media platforms and third party platforms or
 28 websites, and that feature Dr. Forrest and involve financial or cryptocurrency scams.

³ This Scam Ad has been preserved in the Meta Ad Library at the following link:
<https://www.facebook.com/ads/library/?id=704000364789556>. (last visited 12/1/23).

The fraudulent landing page linked by this Scam Ad is still live, and viewers should
 take care not to click the "AussieNSK.com" link when viewing the Ad. Additional Scam
 Ads are shown in Attachments A, B hereto.



3. During the period from April to November 2023 alone, over *one thousand* Scam Ads featuring Dr. Forrest's image have appeared on Facebook in Australia.

4. Meta's advertising business ("Meta Ads") produces these ads using basic material supplied by criminal scammers to its automated Ads Manager application. Meta knows the scammers' products are frauds and knows Dr. Forrest did not endorse them. Yet, despite repeated requests from Dr. Forrest, Meta will not stop producing them.

5. Dr. Forrest's name and likeness are instantly and widely recognizable across Australia both in the business sector and beyond. Known in Australia as

1 “Twiggy,” he has a unique and compelling personal brand that is highly sought-after
2 and of great commercial value. Dr. Forrest relies on his status and credibility to advance
3 important social causes, like climate change and human rights. The Scam Ads are
4 damaging that brand every day they appear.

6 6. The Scam Ads have not just injured Dr. Forrest’s reputation. They have
7 also ruined the lives of countless Australians who invested their life savings in
8 fraudulent financial products and schemes based on their belief that, if Dr. Forrest
9 endorsed them, they must be sound.

11 7. The Scam Ads were produced by Meta Ads, a part of Meta that is entirely
12 distinct from Meta’s social media platforms (Facebook, Instagram, Messenger, and
13 WhatsApp). Meta Ads actively controls each and every aspect of the advertising
14 business for its paying ad customers, and it does so with little regard for the damage
15 caused by its negligent business practices.

18 8. Meta knows full well that its advertising business routinely produces
19 fraudulent ads such as those featuring Dr. Forrest or other public figures.

21 9. In 2019, Meta (then Facebook) promised Dr. Forrest in writing that it
22 would deploy its resources “specifically” to prevent Scam Ads misusing his name and
23 image. Yet, four years later, Meta contends that, despite its vast resources and
24 unparalleled access to the world’s top computer engineering talent, it remains somehow
25 powerless to stop producing Scam Ads.

27 10. This is not true. In reality, the Scam Ads are the direct and foreseeable
28 result of Meta’s failure to use reasonable care in the way it designed, maintains, and

1 conducts its advertising business. Among other things:

- 2 a. Meta fails to deploy available technology that would allow it to identify
3 and reject ads that use Dr. Forrest's image before they are completed and
4 paid for, and then allowed to compete for advertising space on its social
5 media platforms.
- 6 b. Meta fails to use non-content-based checks in its advertising business to
7 weed out unlicensed financial scammers who operate in violation of
8 Australian law.
- 9 c. Meta fails to give ads featuring cryptocurrency and other financial
10 investment schemes heightened scrutiny during the Meta Ads' production
11 process (or review them at all), despite knowing that such ads are rife
12 with fraud, in violation of its own policies.
- 13 d. Meta reviews only the constituent parts of an ad, which renders its review
14 process unable to stop certain Scam Ads before they are posted to social
15 media platforms.
- 16 e. Meta decided to locate its ad review centers off-shore, which enables the
17 extensive use of geolocation "cloaking software" by fraudsters that
18 renders Meta's off-shore screeners unable to detect certain Scam Ads.

19 11. Meta could conduct its Meta Ads' advertising business in a way that
20 prevents commercial speech in the form of the Scam Ads.

21 12. But Meta chooses not to conduct its advertising business responsibly, for
22 two reasons.

23 13. First, to maximize revenue, Meta prioritizes the generation of advertising
24 revenue by designing and operating its advertising business in a manner that virtually
25 assures that anyone, hawking anything, can successfully become a paying Meta Ads
26 customer. Meta claims to review ads through its automated processes but, as set forth
27 below, that review, if it occurs at all, is woefully deficient. Because any effective review
28 program would slow its production of ads, Meta simply does not do it.

1 14. Second, Meta believes that Section 230 of the Communications Decency
2 Act, 47 U.S.C. § 230(c)(1) ("Section 230"), immunizes its activities in Australia,
3 regardless of whether the underlying conduct has any direct connection to the United
4 States, or involves the provision of internet services.
5

6 15. Indeed, Meta's corporate structure, the terms of service it imposes on
7 users and advertisers in Australia, its intra-group agreements, and its recalcitrance in
8 submitting to jurisdiction in Australia are all a result of deliberate corporate choices
9 designed to export Section 230 immunity to cover Meta's advertising and other
10 activities abroad, so that Meta can continue to run its advertising business exactly as it
11 wants, without regard to any harm it causes anywhere in the world.
12

13 16. In addition to negligence, Dr. Forrest brings claims based on (1) Meta's
14 knowing participation in the misappropriation of Dr. Forrest's image; (2) promissory
15 estoppel; (3) Meta's failure to warn its Australian users that the Scam Ads featuring Dr.
16 Forrest are fake and should not be trusted; (4) unjust enrichment; and (5) declaratory
17 relief.
18

19 17. As stated above, Scam Ads featuring Dr. Forrest have persisted for almost
20 five years as of the date of filing this TAC. Above all else, Dr. Forrest wants these Scam
21 Ads to *stop*, not only to protect his own image and reputation, but to prevent innocent
22 Australians from continuing to be victimized by Scam Ads. Meta has made it clear that,
23 unless it is told to stop by a court, it will continue to produce Scam Ads designed to
24 defraud vulnerable Australians.
25
26
27
28

1 **II. THE PARTIES**

2 18. Dr. Forrest is an individual and at all relevant times, a resident of
3 Australia.

4
5 19. Meta Platforms, Inc. (formerly Facebook, Inc.) (hereinafter “Meta” or
6 “Meta Inc.”), is a Delaware corporation with its principal offices located at 1601 Willow
7 Road, Menlo Park, California 94025.

8
9 20. At all relevant times, Meta, including through its subsidiaries and
10 executives, collectively directed, controlled, had the authority to control, or participated
11 in all aspects of the strategy, operation, planning, management, policies, design, and
12 development of its advertising business, including in the acts and practices set forth in
13 this TAC.

14
15 21. Meta’s relevant executives involved in the company’s decision-making
16 and development and approval of Meta Ads’ business strategy, operation, planning,
17 management, policies, design, and development include, but are not limited to
18 Founder, Chairman, and CEO Mark Zuckerberg.

19
20
21 22. On information and belief, at all times relevant, Meta was the agent,
22 servant, employee, joint venturer, partner, subsidiary, and/or co-conspirator of the
23 scammers and, in performing or failing to perform the acts alleged in the TAC, each
24 was acting individually as well as through and in the foregoing alleged capacity and
25 within the course and scope of such agency, employment, joint venture, partnership,
26 subsidiary and/or conspiracy, and each other defendant ratified and affirmed the acts
27 and omissions of the scammers.
28

1 23. Each defendant, in taking the actions alleged in the TAC, ratified and/or
2 authorized the wrongful acts and is individually sued as a participant and aider and
3 abettor in the improper acts, plans, schemes, and transactions that are the subject of the
4 TAC.
5

6 24. Each defendant was a direct, necessary, and substantial participant in the
7 conduct complained of in the TAC, and each of the defendants aided and abetted and
8 rendered substantial assistance in and material contribution to the wrongs complained
9 of in the TAC.
10

11 **III. JURISDICTION AND VENUE**

12 25. Meta removed this case to this Court from San Mateo Superior Court
13 based on federal question jurisdiction under 28 U.S.C. § 1331 arising from Plaintiff's
14 claim under the Lanham Act, 15 U.S.C. § 1125(a).⁴
15
16

17 26. Diversity jurisdiction also exists under 23 U.S.C. § 1332 because Meta's
18 corporate headquarters are in the United States, Dr. Forrest is a citizen of a foreign state
19 (Australia), and the amount in controversy exceeds \$75,000.
20

21 27. This Court has personal jurisdiction over Meta because Meta's corporate
22 headquarters and principal place of business are in this judicial district. This Court also
23 has specific personal jurisdiction over Meta because it has sufficient minimum contacts
24 with California, has purposely availed itself of California's benefits and protection, and
25 does a substantial amount of business in California, such that this Court's exercise of
26
27
28

⁴ Dr. Forrest has withdrawn the Lanham Act claim due to recent changes in the law.

jurisdiction over Meta is reasonable and wholly consistent with traditional notions of fair play and substantial justice.

28. Venue is proper in this District under 18 U.S.C. § 2334(a).

IV. GENERAL ALLEGATIONS REGARDING DR. FORREST AND THE SCAM ADS.

A. Dr. Andrew Forrest – Australian Businessman and Philanthropic Icon.

29. Dr. Forrest has never authorized or otherwise allowed his name or image to be associated with any cryptocurrency product or service, or any financial scheme or investment. Nor has he ever endorsed any such product, service, scheme, or investment.

30. But it is no surprise that fraudsters would seek to fabricate the endorsement of Dr. Forrest. In the apt words of Gilbert Howard, an Australian who lost money to the Scam Ads: “I look at people on Facebook I respect. If Andrew Forrest endorses it, it must be ok. He must have done his due diligence.” The reason for this respect is clear.

31. Dr. Forrest, AO,⁵ is a prominent Australian businessman and philanthropist. He is the founder and current Executive Chairman of Fortescue Metals Group, and founder and co-chair of the Minderoo Foundation, through which he now

⁵ In the Australian honors system, appointments to the Order of Australia confer the highest recognition for outstanding achievement and service. An Officer of the Order of Australia, or “AO” is a national honor bestowed on Australian citizens and deserving non-citizens for distinguished service of a high degree to Australia or humanity at large. Dr. Forrest was appointed as an AO in 2017 for his distinguished service to the mining sector, the development of employment and business opportunities, his support of sustainable foreign investment, and for his philanthropic efforts.

1 devotes his time to making significant philanthropic contributions and pursuing
2 humanitarian and environmental initiatives.

3
4 32. Dr. Forrest is Australia's most active philanthropist, and one of the most
5 effective Australian business leaders of his generation. He is a true Australian business
6 icon.

7
8 33. As Fortescue's founder and chairman, he has led the company from
9 inception to its top 20 status in the Australian economy, during which time Fortescue
10 invested more than \$20 billion USD in the resources sector. Across Fortescue and Dr.
11 Forrest's other commercial interests, Dr. Forrest provides direct employment to well
12 over 10,000 individuals, and many more indirectly through his projects.

13
14 34. In 2001, Dr. Forrest and his family members co-founded the Minderoo
15 Foundation.

16
17 35. Minderoo Foundation has supported over 280 initiatives across Australia
18 and internationally covering a range of causes. Through Minderoo, Dr. Forrest has
19 started and funded initiatives to combat critical humanitarian problems, like modern
20 day slavery, and has supported disenfranchised groups by focusing on Indigenous
21 rights, responsible use of technology, children's cancer research, and early childhood
22 development, as well as environmental issues such as wildfires, floods, plastic
23 pollution, and ocean health.

24
25
26 36. In 2013, Dr. Forrest was appointed by the Prime Minister and Cabinet of
27 Australia to chair the review of Indigenous training and employment programs, aimed
28 at ending Indigenous disparity through employment.

1 37. Dr. Forrest is also a Councilor of the Global Citizen Commission, which, in
2 April 2016, presented a series of human rights recommendations to the United Nations
3 Secretary General to update the Universal Declaration of Human Rights.
4

5 38. In May 2017, Dr. Forrest and his family announced one of Australia's
6 largest private philanthropic donations of \$400 million AUD to support medical
7 research. They have continued giving since then. As of April 2020, their total
8 philanthropic donations have exceeded \$2 billion AUD. In June 2023, they announced a
9 donation of an additional \$5 billion AUD to the Minderoo Foundation, bringing
10 Minderoo's endowment to approximately \$7.6 billion AUD. As of that month, their total
11 philanthropic donations exceeded \$7 billion AUD.
12

13 39. Dr. Forrest was Western Australia's 2017 Australian of the Year for his
14 outstanding contribution to the community. In 2018, Dr. Forrest was inducted into the
15 Australian Prospectors & Miners' Hall of Fame and was the inaugural winner of the EY
16 Entrepreneur of the Year – Alumni Social Impact Award.
17

18 40. Dr. Forrest is a lifetime Fellow of the Australian Institute of Mining and
19 Metallurgy. He is a Global Patron of the Centre for Humanitarian Dialogue, recipient of
20 the Australian Sports Medal and the Australian Centenary Medal, and Vice-Patron of
21 the Special Air Service Resources Fund.
22

23 41. The strength and value of Dr. Forrest's name, brand, and image are
24 further evidenced by his recent business dealings, centered on building green
25 technology businesses. Dr. Forrest's Fortescue Future Industries has signed agreements
26 with traditional energy producers like Afghanistan for the development of hydro power
27
28

1 and other geothermal projects for green industry as well as Afghanistan's more
2 traditional mineral resources.

3
4 42. With such a prolific charitable profile and business acumen, Dr. Forrest's
5 name and image are instantly recognizable throughout Australia, in the investing
6 community and beyond, and carry significant value, which is no doubt why thieves
7 want to misuse his identity and goodwill for nefarious purposes.
8

9 43. Indeed, recent Scam Ads seek to capitalize on Dr. Forrest's brand,
10 describing him as having a "landmark name in the world of financial news" and stating
11 that his name is "associated with successful business projects" and his reputation is
12 "key to the reliability and success of this project." *See* Attachment A, hereto, at 6.
13

14 **B. Meta Has Permitted the Misuse of Dr. Forrest's Name and Image on its**
15 **Social Media Platforms Since at Least 2014, Even Before the First Scam Ads.**

16 44. Scammers operating on Meta's (then Facebook's) Australian social media
17 platforms have been co-opting Dr. Forrest's name and image in order to swindle
18 innocent Australians since 2014. The form and sophistication of these criminal ruses
19 continues to evolve; the latest iterations of the Scam Ads require an amendment to the
20 pleadings to bring this matter current.
21
22

23 45. Prior to 2014, Dr. Forrest did not have a social media presence and did not
24 have a Facebook page or profile.

25 46. During 2014, it came to Dr. Forrest's attention that his image was being
26 used by a number of internet scammers who were setting up "imposter" pages
27 appearing to belong to Dr. Forrest. These imposter pages invited contact from
28

1 Australians and sought to gain trust by invoking a lie that the page was connected to
2 Dr. Forrest.

3
4 47. At his own expense, Dr. Forrest commenced an investigation to determine
5 who was behind these fake pages.

6 48. That investigation revealed that it was scammers, believed to be based
7 outside of the United States and Australia and using false identities, who were creating
8 the pages. Dr. Forrest repeatedly brought this to the attention of Meta and Meta's legal
9 department. Dr. Forrest was assured then that Meta would take steps to stop the
10 imposter pages.
11
12

13 49. Thus, as of at least 2014, Meta was aware that Dr. Forrest's name and
14 image were being misused to dupe Australian users of Meta's social media platforms
15 who admired or trusted Dr. Forrest. Dr. Forrest repeatedly took what steps he could to
16 persuade Meta to have these imposter sites taken down, including directly contacting
17 and communicating with Meta's legal department.
18
19

20 50. It was during this process that Meta urged Dr. Forrest to set up a
21 "verified" Facebook page, which Meta told Dr. Forrest would allow it to protect his
22 name and image and to combat the scammers.
23

24 51. Even though Dr. Forrest did not want to be on social media, in response to
25 Meta's urging he agreed to the creation of a verified non-interactive, static page.

26 52. After that verified page became active, Facebook took down some
27 imposter pages. But others continued to appear, despite Meta's promises to the
28 contrary.

C. In 2019, Meta Ads Began Producing Paid Scam Ads Featuring Dr. Forrest's Alleged Endorsement.

53. The “imposter” pages featuring Dr. Forrest were just the beginning of his problems with Meta.

54. Starting in or about late March 2019, Dr. Forrest was surprised to learn – from several victims of the Scam Ads – that fake ads using his name and likeness to endorse cryptocurrency and other fraudulent investment products were running on the Facebook platform in Australia. These Scam Ads were produced by Meta Ads, not by social media user postings.

55. The Scam Ads used quotes, interview footage, and other actual statements attributable to Dr. Forrest, but were edited and doctored to deceptively appear as though Dr. Forrest was sponsoring a particular investment “opportunity” or otherwise promoting a particular financial product.

56. Some of the first Scam Ads featured so-called “interviews” with Dr. Forrest, accompanied by dozens of fake testimonials describing how investors had become millionaires in a matter of months with even small deposits, such as \$250.

57. More recent Scam Ads, including the approximately 1,154 Scam Ads that have appeared on Meta’s Australian platform since April 2023, take the form of videos with doctored footage, also known as deepfakes.⁶

⁶ <https://www.facebook.com/ads/library/?id=228855026379900>. (last accessed 11/6/23).



58. A click-through of the recent Scam Ads leads to landing pages where users can put in their contact information, which, upon information and belief, generates targets for the criminal organization sponsoring the Scam Ads to direct more fraudulent pitches to.

59. In an attempt to protect his reputation, to dissociate himself from these fraudulent activities, and protect Australians, Dr. Forrest has spent hundreds of thousands of dollars investigating the criminals behind the Scam Ads, defending himself and his business reputation, enhancing his cybersecurity team's capabilities, and engaging external fraud detection services to monitor Meta's real time response to these Scam Ads.

60. In the early stages of this investigation, Dr. Forrest learned that the people behind the Scam Ads were involved with entities from various foreign countries, using

1 sham entities, fake information, and false addresses, and employing foreign pay
2 services to deploy the Scam Ads.

3
4 61. Currently, upon information and belief, the scammers involved in
5 engaging Meta's services to produce and distribute the current Scam Ads are located in
6 areas outside the United States, including Eastern Europe and Southeast Asia.

7
8 **D. Scam Ads Featuring Dr. Forrest Have Bilked Innocent Australians out
9 of Millions**

10 62. The effect of the Scam Ads on Australian users has been far reaching.

11 63. One Australian woman was victimized by the Scam Ads, losing
12 approximately \$670,000. The woman said that on or about March 28, 2019, she accessed
13 her Facebook account and was presented with a Scam Ad that included alleged
14 interviews with Dr. Forrest and suggested an association with the Australian
15 Broadcasting Corporation.
16

17 64. Similarly, on or about April 1, 2019, an Australian man logged onto his
18 Facebook account and was presented with an ad depicting Dr. Forrest sitting on a stage,
19 which gave the appearance that he was participating in a question-and-answer session
20 on cryptocurrency. The man clicked on the link and was ultimately swindled out of
21 \$77,254.
22

23
24 65. Yet another Australian victim reported that, in or about March 2019, she
25 saw a Facebook advertisement that pictured Dr. Forrest and included what appeared to
26 be his endorsement of a Bitcoin investment opportunity. She clicked on the content and
27 was scammed of thousands of dollars in the ensuing months.
28

66. Another unsuspecting victim of this fraudulent scheme contacted Dr. Forrest's team after she unwittingly fell victim to the scam, stating that she was "caught up in the Bitcoin scam that Andrew Forrest was implicated in supporting. I subscribed when I saw that it was supported by him."

67. On or about June 19, 2019, Australian JB contacted Dr. Forrest advising him of the fact she had been victimized on Facebook by a Dr. Forrest crypto scam, which she accessed through a Scam Ad.⁷

68. In 2019, 72-year-old Western Australian FZ was victimized by the Scam Ads when he relied upon Facebook advertisements that featured Dr. Forrest's image. FZ lost \$250,000, which he has not been able to recover.

E. Meta Has Known Since 2019 that the Scam Ads Misappropriate Dr. Forrest's Image and Defraud Australians.

1. Dr. Forrest Notified Meta Through Multiple Channels that It Was Running Scam Ads

69. After Dr. Forrest learned of the proliferation of the Scam Ads in March 2019, he mobilized an effort to identify and capture evidence of these Scam Ads, and place Meta on notice of them so it could stop them—immediately and permanently.

70. In May 2019, Dr. Forrest went further, arranging a telephone call with William Easton, the Managing Director and Vice President of Meta in Australia. In this call, Dr. Forrest described the Scam Ads to Easton and their misuse of his image as a supposed endorser. Dr. Forrest demanded that Meta dedicate its enormous and

⁷ This TAC uses initials for privacy purposes in this section, unless otherwise noted. All names used are used with the consent of the Scam Ad victims.

1 sophisticated machine learning and human resources to prevent any further
2 dissemination of the Scam Ads.

3
4 71. On May 19, 2019, Dr. Forrest followed up with an email to Easton,
5 repeating his demand that the Scam Ads cease, and stating that if they did not, he
6 would take action. Dr. Forrest wrote, in pertinent part:

7
8 It's well known William [Easton], that you have the most
9 sophisticated machine learning and artificial intelligence tools for
10 targeting advertising at users. What amazes me is your absolute
11 lack of concern, and more worrying your obstinance in using
12 machine learning to keep your platform free of obvious scams[.] All
13 of these threaten users like me, the integrity of public discourse,
14 and allow innocent mums, dads, and retirees, to be robbed of their
15 savings. If this was you or Mr. Zuckerberg being framed, or your
16 own parents, or his losing their hard earned retirement savings, I
17 know you would react immediately and effectively. ...

18 I am less inclined to resignation than to action. It's my intention to
19 ensure this allowance of fraud by you [Meta] ceases[.]

20 72. On May 20, 2019, Easton responded by email, acknowledging Meta was
21 aware of the problem, assuring Dr. Forrest he was doing the right thing by reporting the
22 Scam Ads to him, and promising him that Meta would move quickly to take them
23 down:

24 I appreciate this is very frustrating for you – it's an extremely
25 challenging, industry-wide problem which we are working to
26 address. However I do want to be very clear – scam ads are not
27 permitted on Facebook. They violate our Advertising Policies and
28 have no place on the platform. ...

All ads on Facebook are subject to our ad review system and our
ads are checked against our policies. This happens before ads begin
running, but may also be re-reviewed after they are live. Our
Advertising policies prohibit scam ads, and when we detect an ad
that violates our advertising Policies we disapprove it. ...

1 In the meantime, having this content reported to us is key and I am
2 very happy to continue to offer a direct line to me so that we can
3 move quickly to take down these scam ads.

4 73. But Meta did not “move quickly to take down” the Scam Ads, despite
5 Eastman’s promise. Rather, Meta appeared not to do anything at all, because the Scam
6 Ads continued.

7 74. On October 18, 2019, attorneys for Meta responded to another letter from
8 Dr. Forrest regarding the Scam Ads misusing his name and image. The October 18 letter
9 admitted that “these ads are strictly prohibited” and stated that Meta was committed
10 “to protecting people that use the Facebook Service.”
11

12 75. The letter further stated that Meta shared Dr. Forrest’s “frustration with
13 these policy-violating ads.” It promised to honor Meta’s commitment to Dr. Forrest:
14
15 specifically, the Facebook Entities have adjusted their detection mechanisms to
16 better find these types of policy-violating ads featuring Dr. Forrest. This may
17 include use of certain keywords (e.g. relevant names), images, and other signals
18 in both targeted searches and automated detection models. To put it plainly,
19 Facebook’s enforcement systems – proactive, reactive, machine and human – are
20 looking for misleading ads featuring your client.

21 76. The letter closed by promising to “work cooperatively with [Dr. Forrest]
22 to stop third party advertisers from running the policy-violating advertisements at
23 issue, and to remove such advertisements from the Facebook Service[,]” just as William
24 Easton had promised months earlier in his letter of May 20, 2019.

25 77. Despite this renewed promised to “stop third party advertisers from”
26 continuing to run Scam Ads, they continued to appear.
27

28 78. In November 2019, with the Scam Ads continuing to make their way from

Meta's advertising business to its social media platforms, Dr. Forrest penned an open letter to Mark Zuckerberg, the CEO of Facebook, again demanding that the production and approval of Scam Ads cease. Dr. Forrest wrote in pertinent part:

Dear Mr. Zuckerberg:

My family and I have been the subject of scam advertisements on your social media network. Our images and the images of others are being used to encourage your users to invest in fraudulent cryptocurrency schemes.

The criminals responsible continue to purchase advertising space from Facebook, running new incarnations of the same scams. Your senior leadership has been informed of this. What's worse, innocent and vulnerable people are losing their life savings while Facebook (read – you) is profiting from the revenue generated by this stream of false advertisements.

This is abhorrent and you can stop it. You have the power and the technology to prevent these scam advertisements from running on your platform. Is revenue more important to you than the life savings of elderly people, Mr. Zuckerberg?

Mr. Zuckerberg did not respond to Dr. Forrest's open letter.

2. Notice of the More Recent Scam Ads Has Been Given Through Preservation and Cease and Desist Letters, Yet Andrew Forrest's Likeness Is Still Being Misappropriated.

79. Despite this lawsuit, Scam Ads featuring Dr. Forrest's misappropriated image are *still* being produced and disseminated by Meta Ads, further damaging Dr. Forrest's reputation and undoubtedly luring more Australians to invest in fraudulent products.

80. Dr. Forrest identified 1,154 fraudulent advertisements using his image and/or manipulated footage of him in the six-month period between April 26, 2023, and November 14, 2023.

1 81. Dr. Forrest sent Meta seven detailed preservation and cease and desist
2 letters during this period identifying the new Scam Ads, requesting that they be taken
3 down, and asking that evidence of the new Scam Ads be preserved for purposes of this
4 litigation.
5

6 82. Meta has not responded to these letters other than to state that the
7 evidence will be preserved.
8

9 83. Despite Dr. Forrest's repeated pleas, new Scam Ads continue to appear on
10 Meta's social media platforms in Australia.
11

12 **V. META'S ADVERTISING BUSINESS IS DISTINCT FROM ITS SOCIAL 13 MEDIA PLATFORMS**

14 84. Meta Ads is an advertising business, not an interactive computer service.
15 It has a separate purpose, a separate function, and is run on a separate ads platform
16 (Ads Manager) that generates commercial speech in the form of completed, paid-for
17 ads. It uses its own features and applications, and follows a different business model
18 than Meta's social media platforms.⁸
19

20 85. Unlike Meta's social media platforms, Meta's advertising business does
21 not facilitate user access to the internet.
22

23 86. Rather, as Meta itself represented in a 2015 data services agreement, the
24 purpose of Meta's advertising business is to "market and sell advertising to advertisers
25 targeting the user community."
26

27
28 ⁸ Meta reports in its public filings with the SEC that it has a number of businesses. *See* [10-K filing, December 2020](#), at 7. (last accessed 12/1/23). While not formally a separate corporate entity, Meta Ads is distinct from the social media platform business.

87. Different Terms and Conditions apply to advertisers who contract with Meta Ads than those that apply to the users of Meta’s social media platforms.⁹ For example, among other differences Meta Ad’s Terms and Conditions evince extensive oversight and control by Meta in the development, review and approval of ads. No such control is imposed on users.

88. Customers advertising in Australia who use Meta Ads to produce their ads contract with a separate subsidiary of Meta, Meta Platforms Ireland Ltd. (“Meta Ireland”), and Meta Inc.

89. In contrast, the users of Meta’s Australian social media platforms contract with and are subject to Terms and Conditions imposed by Meta Inc.

90. Meta Ads’ reach extends even beyond the walls of Meta’s social media platforms.¹⁰ Meta Ads produces ads through a Meta Ads feature called “Audience Network” that run on non-Facebook channels, including “partner” sites, and third-party affiliated websites or mobile applications.¹¹

91. Operated through its ad applications and tools, Meta Ads is not designed to and does not provide or enable computer access by multiple users to a computer

⁹ See e.g., Meta [User Terms and Conditions, 2023](#); Meta [Self-service Advertising Terms 2023](#); Meta [Advertising Terms and Conditions, 2023](#). For prior terms and conditions see e.g. archive.org: Facebook [Terms and Conditions, 2019](#); Facebook [Terms and Conditions, June 2012](#); Facebook [Terms and Conditions, December 2012](#); Facebook [Terms and Conditions, 2007](#); Facebook [Terms and Conditions, 2005](#); and other terms and conditions from 2018 to present. (All last accessed 12/1/23).

¹⁰ See [About Meta Audience Network](#). (last accessed 12/1/23).

¹¹ See [2021 Annual Report](#) (“2021 AR”) at 63. (last accessed 12/1/23).

1 server within the meaning of 47 U.S.C. § 203(f)(2). It does not allow users to
2 communicate with one another in a public or private setting like the prototypical
3 messaging board or by transmitting private messages between users. The fact that an
4 internet service provider exists under the Meta Inc. umbrella does not make Meta Ads
5 itself an interactive computer service.
6

7
8 92. The history of Facebook, Inc., and its public filings illustrate the clear
9 demarcation between Meta Ads and Meta's social media platforms.

10 93. Facebook, Inc., was founded in February 2004 by Mark Zuckerberg on the
11 campus of Harvard University. In September of that year, Zuckerberg introduced
12 Facebook as a forum for Harvard students to post messages to their friends. Facebook
13 soon expanded to other colleges and universities.
14

15 94. The "Facebook Platform" for users was launched in May 2007.
16

17 95. At that time Facebook was solely a social media platform that allowed
18 users to post their own content, for free, and interact with each other digitally, for free.
19

20 96. In November 2007, Facebook separately launched its "ads platform" and
21 became much more than a social media platform. It publicly announced its
22 monetization plan, and started a new business, Facebook Advertising (called Meta Ads
23 in this TAC). In a November 2007 article in *Bloomberg News*, Zuckerberg announced "the
24 next hundred years will be different for advertising, and it starts today."¹² Prescient in
25 his prediction, Facebook and Zuckerberg have built an advertising empire worth
26
27

28

¹² *Bloomberg Law*, [Facebook Declares New Era for Advertising](#), *Bloomberg Law* (November 6, 2007).

1 hundreds of billions of dollars. Dr. Forrest's claims are about the collateral damage they
2 have created along the way.

3
4 97. Zuckerberg's announcement corresponded with the launch of Meta's ad
5 platform, designed and implemented to let Meta's advertising customers establish
6 accounts and launch and manage their advertising campaigns, using tools and features
7 designed by Meta.¹³

8
9 98. In approximately 2007, Meta also launched "Facebook Marketplace," a
10 user-to-user e-commerce site akin to a newspaper classified section that allowed users
11 to post ads for free. Meta Ads was, and is, nothing like this.

12
13 99. Between 2007 and 2011, Meta Ads experienced astonishing growth,
14 accounting for over 85% of Meta's 2011 revenue.¹⁴ By 2019, Meta Ads was responsible
15 for more than 98% of Meta's income stream.¹⁵ Meta Ads' revenue in 2022 was \$113
16 billion.¹⁶

17
18 100. In 2012, Meta filed its registration to become a publicly traded company.¹⁷
19 Its Annual Reports filed since then make clear that Meta's advertising business is
20 operationally and functionally distinct from its social media platforms.
21
22
23

24 ¹³ See Facebook's [Form S-1 Registration Statement](#) ("IPO") at 91. See also 2015 Annual
25 Report [https://www.sec.gov/Archives/edgar/data/1326801/000132680116000043/fb-](https://www.sec.gov/Archives/edgar/data/1326801/000132680116000043/fb-12312015x10k.htm)
26 [12312015x10k.htm](https://www.sec.gov/Archives/edgar/data/1326801/000132680116000043/fb-12312015x10k.htm) ("2015 AR"), at 6. (All last accessed 12/1/23).

27 ¹⁴ [IPO](#) at 13.

28 ¹⁵ See [2019 AR](#) at 62. (last accessed 12/1/23).

¹⁶ [2022 AR](#) at 7. (last accessed 12/1/23).

¹⁷ [IPO](#).

1 101. The clear line of demarcation that separates Meta’s advertising and social
2 media platforms is articulated in its own words in its IPO filing and Annual Reports.
3 For example, Meta consistently identifies three customer bases: users, developers, and
4 advertisers, making clear these constituencies are separate.¹⁸

6 102. In describing its efforts to improve its products for its advertising
7 customers, and thus Meta Ads’ financial performance, Meta highlighted different
8 efforts targeted at each customer group: “[w]e intend to invest in additional products
9 for our advertisers and marketers while continuing to balance our monetization
10 objectives with our commitment to optimizing the user-experience.”¹⁹

13 103. With regard to Meta Ads, Meta’s Annual Reports consistently describe a
14 business model focused not on connecting users, or the free exchange of content, as the
15 social media platform business is, but on making money. In its own words, Meta
16 acknowledges its monetary success depends upon maintaining the confidence of
17 advertising customers that “their investment in advertising with [Meta] will generate a
18 competitive return relative to other investments[.]” Meta Ads’ business objective is to
19 “provide [advertisers] with a compelling return on their investment.”²⁰

22 104. In discussing its advertising business’s risk factors, Meta has stressed their
23 significance to the enterprise: “[w]e generate a substantial majority of our revenue from
24 advertising. The loss of advertisers, or reduction in spending by advertisers with
25

27
28 ¹⁸ [IPO](#) at 1; *see also* [2012](#) and [2020](#) ARs at 15 and 21. (All last accessed 12/1/23).

¹⁹ [IPO](#) at 5.

²⁰ [2018 AR](#) at 12; [2021 AR](#) at 22. (All last accessed 12/1/23).

Facebook, could seriously harm our business.”²¹

105. The risks facing Meta with regard to the continued success of its user platform are stated separately and are different from the risks facing Meta’s advertising business.

106. Meta’s revenue growth priorities center on Meta Ads and its features, called Ad Products and Tools. In the 2016 Annual Report for example, Meta represented that its advertising priorities were: “(ii) growing the number of marketers using our ad products; and (iii) making our ads more relevant and effective through continued adoption of new ad formats and tools for marketers.”²² This focus on Meta Ads reflects the fact that “substantially all” of Meta’s revenue is generated “by displaying ad products on Facebook, Instagram and third-party affiliated websites or mobile applications.”²³

107. In short, Meta Ads is a business separate and distinct from Meta’s social media platforms.

VI. META ADS PRODUCES ADVERTISEMENTS USING ITS COMPREHENSIVE ADS MANAGER APPLICATION.

108. Through its comprehensive “suite” of advertising tools and applications, Meta Ads controls every aspect of the production of each ad, thereby gaining a substantial amount of information about each advertiser, its products, and its objectives. The production process provides Meta with ample opportunities to detect ads that are

²¹ [IPO](#) at 12.

²² [2016 AR](#) at 33. (last accessed 12/1/23).

²³ *Id.* at 39.

1 fraudulent or that misappropriate information or images that belong to others, before
2 such ads are included in the inventory vying for advertising space on Meta's social
3 media platforms.²⁴
4

5 109. Ad customers engage with Meta Ads on this separate platform, accessing
6 a set of products and tools which, using prompted input from prospective advertisers,
7 produce ads and ad campaigns destined for one or more of Meta's social media
8 platforms and other third party sites and applications.
9

10 110. Currently, ad customers access these products and tools through an
11 application called Ads Manager. The purpose of Ads Manager is to sign up prospective
12 advertisers and to generate the best ad in light of each ad customer's goals. When
13 prospective ad customers access Ads Manager, they are required to input the
14 information necessary to create a business page, to set up a payment method, and
15 supply their phone numbers. After this, they are asked to list the goal for the ad.
16
17

18 111. Potential advertisers are then prompted to state whether their ads are
19 related to credit, employment or housing, or about social issues, elections, or politics.
20

21 112. At this stage, prospective advertisers are supplied with, by default, tools
22 or features that are designed to improve the look of their ads to appeal to their
23 audience.
24

25
26 ²⁴ Full information and documents regarding Meta's processes and tools is not publicly
27 available and is part of Facebook's closely held and exclusive realm of control.
28 Discovery will shed further light into how these processes work. Similarly Meta's terms
and conditions, and policies, change constantly, *see* fn. 9, and discovery will be
necessary to understand the full scope of all processes and policies applicable to the
allegations of this TAC.

1 113. Advertisers also select certain demographics from a drop down list,
2 including, critically, the audience's location (e.g., Australia), age range, and gender.
3 Advertisers can then select "Advantage Detailed Targeting+," which expands
4 prospective advertisers' reach beyond the selected audience.
5

6 114. Dr. Forrest is informed and believes that: (1) no client or ad review is done
7 before the ad is completed and paid for on the Ads Manager application; (2) no filters
8 are put into place to prevent Scam Ads from being produced and paid for and posted
9 on Meta's social media platforms. Such review, had it been reasonably performed at a
10 reasonable point in the ad process, would have resulted in Meta Ads refusing to do
11 business with those advancing Scam Ads.²⁵
12

13 115. After each ad transaction is completed and paid for in the Ads Manager
14 application, Meta Ads tells these advertisers that their ads will automatically be
15 reviewed against its Advertising Policies before the ads start running. If an ad is
16 rejected, prospective advertisers receive notice, and information regarding their
17 options.
18
19
20

21 116. Meta's Annual Reports, including 2020 and 2021, indicate that there is a
22 strong commercial motive behind the decision not to conduct any, or any effective,
23 review in Ads Manager where fraud could be detected early, namely, to capture the
24 revenue for prospective ads at an early stage, and book it to its subsidiary entities
25
26

27
28 ²⁵ Facebook has refused to produce specific information that would explain how the
Scam Ads were approved and continued to run despite being told by Dr. Forrest of the
harm to him and others.

1 responsible for reselling the ad inventory.

2 117. Specifically, Meta's 2021 Annual Report discloses that "[a]dvertising
3 revenue is generated by displaying ad products on Facebook Instagram, Messenger,
4 and third party affiliated websites or mobile applications. ... We recognize revenue
5 from the display of impression-based ads when the ad is displayed to users. ... In
6 general, we report advertising revenue on a gross basis, since we control the advertising
7 inventory before it is transferred to our customers. Our control is evidenced by our sole
8 ability to monetize the advertising inventory before it is transferred to our customers."²⁶
9

10 118. In addition, Meta is not a passive bystander with regard to the success of
11 its produced ads. Meta profits from engagement, whether for good or for harm. Dr.
12 Forrest is a well-known public figure, and ads featuring him and his image generate
13 engagement. Meta also profits by collecting data about its users. Ads featuring Dr.
14 Forrest give Meta valuable tracking data on users across its Australian platform who
15 are interested in him, and those who will respond to ads involving him. Meta profits in
16 both ways.
17

18
19
20
21 **VII. DURING ITS PRODUCTION PROCESS, META ADS CONTROLS HOW**
22 **ADS WILL LOOK AND WHO WILL RECEIVE THEM, BEFORE ADS ARE**
23 **ALLOWED TO COMPETE FOR SPACE ON META'S SOCIAL MEDIA**
24 **PLATFORMS.**

25 119. During the ad production process, Meta's Ads Manager software drives
26 and ultimately determines what the completed, paid-for ads will look like, and who will
27 see them. Ads Manager does all its work before an ad is subjected to any alleged
28

²⁶ [2021 AR](#) at 86. (last accessed 12/1/23).

1 review, and before being allowed to compete for available advertising space on Meta's
2 social media platforms and beyond. Meta Ads, not the advertiser, has ultimate control
3 over the ad's look and the audience for each ad.
4

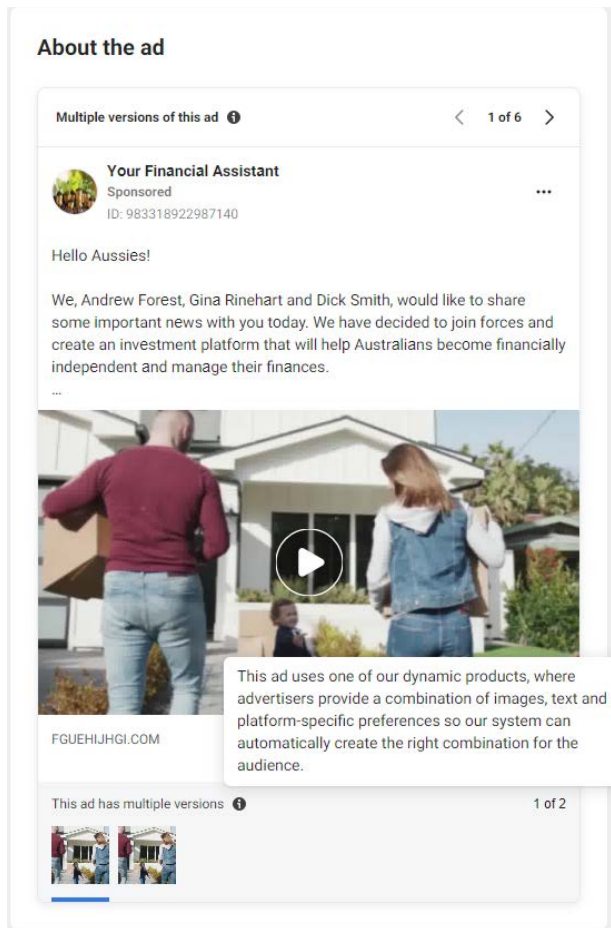
5 120. For example, the "Dynamic Creative" tool takes an advertiser's ad
6 components, such as images, videos, text, audio and then "mixes and matches them" to
7 change the look of an ad to improve its performance.²⁷
8

9 121. Meta Ads' Dynamic Creative tool optimizes the ad creative for each
10 person viewing the ads. Meta Ads enables this tool by default during the ad production
11 process. This tool varies the look of the ad and its destination based on each person's
12 likelihood to respond. To accomplish this commercially advantageous goal for its
13 customers, Ads Manager lists approximately 15 possible optimizations that it may
14 apply to the ad creative, including creating videos from images and selecting and
15 highlighting key phrases and sentences from the text.²⁸
16
17

18 122. Upon information and belief, at least some of the Scam Ads at issue were
19 produced by Meta using Dynamic Creative, including this one:
20
21
22
23
24
25
26

27 ²⁷ <https://www.facebook.com/business/help/170372403538781?id=244556379685063>.
28 (last accessed 12/1/23).

²⁸ *Id.*



123. “Advantage+ Creative,” is another feature of Meta Ads that is applied by default during ad production.²⁹ Advantage+ Creative uses generative AI.³⁰ The Advantage+ Creative tool automatically optimizes ads to versions the “audience is more likely to interact with.”³¹ These changes are intended to make the ads more appealing when they are ultimately shown to individual viewers on Facebook and/or

²⁹ “Creative” is a term of art used in advertising to refer to ad components such as text and images.

³⁰ [About Advantage+ Creative](#), Meta Business Help Center. (last accessed 12/1/23).

³¹ <https://www.facebook.com/business/help/297506218282224?id=649869995454285>. (last accessed 12/1/23).

1 Instagram and off-site via Meta Ads' Audience Network tool.³²

2 124. Advantage+ Creative can add music selected by Meta based on the ad's
3 content, fine-tune the ad's visuals, or add 3D animation.
4

5 125. Ads Manager currently includes a tool called "A/B Testing." This tool is
6 designed and deployed to "help improve ad performance" by testing multiple versions
7 of each advertisers' ad "creative" with "different text, audience or placement," to
8 determine which ad will be most successful when shown to potential customers on and
9 off Meta's social media platforms. If this feature is selected in the ad production
10 process, advertisers are forwarded to A/B Test "set-up" after production of their ad is
11 completed and paid for.³³
12

13 126. Meta Ads' active involvement does not stop with the ad's appearance.
14 Meta Ads also effectively controls to whom ad customers' ads are eventually shown.
15

16 127. Prospective ad customers can also select "Advantage Detailed
17 Targeting+" to expand prospective advertisers' reach beyond their own selections when
18 it is likely to improve ad performance.
19

20 128. Meta's Tailored Campaigns tool is described as its most advanced ads
21 technology "to help maximize campaign performance with less [advertiser] effort."³⁴
22 Tailored Campaigns fully automates the ad campaign process — Meta "pre-loads" the
23
24

25
26 ³² *Id.*

27 ³³ The Ads Manager's default setting for A/B Testing is "on" so that it will be deployed
28 by Meta Ads for each advertiser unless affirmatively declined.

³⁴ [Tailored Campaigns](#), see FAQs. (last accessed 12/1/23).

1 right settings to achieve maximum performance.³⁵

2 129. "Audience Network" is another feature offered to ad customers during ad
3 production. Audience Network allows advertisers to extend their campaigns to reach
4 people on mobile apps partnered with, but not owned or controlled by, Meta.³⁶

5 130. Meta studied the effectiveness of Audience Network and found that
6 "conversion rates were eight times higher among people who saw ads across Facebook,
7 Instagram, and Audience Network" compared to people who only saw ads on
8 Facebook.³⁷

9 131. In other words, Meta sells ad inventory not only on its own social media
10 platforms, Facebook, and Instagram, but also places ads on third party applications.
11 And Meta's advertising outside the platforms substantially drives the success of the
12 platforms.

13 132. Meta Ads' advertising tools include additional tools designed to decide
14 for ad customers what ads will look like and who will get them. These additional ad
15 tools include "Detailed Targeting" and "Lookalike Audience."

16 133. Ultimately, advertisers using Meta's Ads Manager do not decide what
17 their ads will look like, where their ads will be placed, or to whom their ads will be
18 shown. Rather, Meta Ads makes those decisions.

19 134. On information and belief, at least some of the Scam Ads were produced

20 ³⁵ *Id.*

21 ³⁶ [About Meta Audience Network](#), Meta Business Help Center. (last accessed 12/1/23).

22 ³⁷ *Id.*

1 through Ads Manager with its ad production offerings and advertising features.

2 135. These Meta Ads tools supercharge Meta's ability to produce and drive the
3 Scam Ads to vulnerable viewers, and have been a substantial factor in the continuing
4 production, dissemination, and success of Scam Ads.
5

6 **VIII. META HAS NOT EXERCISED AND DOES NOT EXERCISE REASONABLE**
7 **CARE IN THE DESIGN AND OPERATION OF ITS AD BUSINESS.**

8 136. In its October 18, 2019, letter to Dr. Forrest described above, Meta
9 describes the steps it would take to stop Scam Ads featuring Dr. Forrest specifically.
10 Had Meta reasonably deployed the "detection mechanisms" it mentioned at a
11 responsible point in the ad production process within Ads Manager, not after, it could
12 have effectively stopped the proliferation of Scam Ads produced by its Meta Ads
13 business.
14
15

16 137. Meta could have chosen to design and manage its advertising business to
17 prevent or minimize the kind of Scam Ads that gave rise to this litigation. The fact that
18 Meta chose — and continues to choose — not to do so is negligent. This breach
19 foreseeably and proximately injured and is injuring Dr. Forrest and the countless
20 victims of the Scam Ads.
21
22

23 **A. Meta Ads Has the Technical Ability to Detect and Screen Out Scam Ads**
24 **Featuring Dr. Forrest, But Chooses Not To.**

25 138. At all relevant times, Meta has possessed technology that can find defined
26 terms and images — like Dr. Forrest's name or his appearance in a video plus the
27 mention of "investment opportunity" or cryptocurrency-related images — in the digital
28 components of ads. As Meta represents that it can review an ad's landing page during

1 its automated review, it follows that it could examine a landing page or a subsequent,
2 downstream landing page for a prospective ad for the discrete criteria that the Scam
3 Ads contain, and stop it before it is accepted.
4

5 139. There are many ways this detection and screening can be accomplished.
6 The techniques that can be used include, but are not limited to, lexical and semantic
7 searches, automated image analyses using AI, recursive web robots, and web scrapers.
8 These techniques are well-known and used throughout the computer science field.
9

10 140. Simple key word searches for “Forrest,” “Twiggy,” “investment
11 opportunity,” “bitcoin,” “crypto,” etc., and the use of imaging technology to identify
12 Dr. Forrest’s image could have easily isolated the Scam Ads and would have identified
13 them before Meta Ads accepted and produced the Scam Ads with the intention and
14 understanding that they be posted on Meta’s social media platforms.
15
16

17 141. Indeed Meta admitted as much itself in its October 2019 letter, when it
18 promised to use “certain keywords (e.g., relevant names), images, and other signals in
19 both targeted searches and automated detection models” to stop the Scam Ads.
20

21 142. Indeed, a search for “Andrew Forrest” in Meta’s Ad Library identifies
22 advertisements that use Dr. Forrest’s image but do not use his name in text. Thus,
23 whether an advertisement uses Dr. Forrest’s image or his name, Meta can use similar
24 search software to identify Scam Ads and reject advertising customers before they use
25 Ads Manager to complete their ad campaigns.
26
27

28 143. Thus, if it wanted to do so, Meta Ads could easily stop producing the
Scam Ads. It just needs to refuse to produce ads for anyone looking to run an ad

1 depicting or quoting Dr. Forrest, and refuse to take payments from them.

2 144. Even after Dr. Forrest alerted Meta to the fraudulent nature of the Scam
3 Ads and their misuse of his name and image, Meta did not require any advertiser
4 seeking to run an advertisement involving Dr. Forrest to demonstrate that it was
5 authorized by him in any way.
6

7 145. Meta knows that Dr. Forrest has never sought and is not seeking to
8 advertise anything on Facebook or any of Meta's other social media platforms. If
9 anyone is willing to pay Meta Ads to produce, target, or run an ad involving Dr.
10 Forrest, Meta knows that ad is not authorized. It simply needs to turn the job down.
11 That, alone, would prevent the Scam Ads in the future.
12

13
14 **B. Meta Ads Has the Ability to Use Non-Content-Based Checks to Weed**
15 **Out Fake Accounts, Compromised Accounts, and Financial Scammers Whose**
16 **Ads Violate Australian Law, But Chooses Not To.**

17 **1. Meta Ads Allows Advertisers to Buy Ads Without Verifying the**
18 **Advertiser's Identity.**

19 146. Meta is aware, through complaints from outside the platform, that third-
20 party scammers seeking to purchase advertising submit false identification and
21 credentials, often use stolen credit cards and compromised accounts or lines of credit,
22 all for the purposes of evading Meta's security checks.
23

24 147. At the time the original Scam Ads appeared on Meta's Australian social
25 media platforms, Meta did not require ad customers seeking to run an ad featuring
26 cryptocurrency or financial investment opportunities to verify that they had a license to
27 sell such a product or possessed authentic business assets. Instead, Meta only required
28

1 that advertisers supply a name and a credit card to be accepted as an ad customer.

2 148. Meta has since changed its policies to purportedly require that
3
4 “advertisers must use authentic business assets to run ads across our technologies. If we
5 find that an inauthentic user account, ad account, Page or Business Account was used to
6 run ads, an advertiser may face advertising restrictions.”³⁸

7
8 149. Meta’s current policies also purportedly require the following
9 authentication documents for incorporated or registered business entities purchasing
10 ads:

- 11 • Company tax identification number (TIN): Depending on your
12 residence, we may also reach out to you for completion of certain
13 tax forms.
- 14 • Proof of identity: A digital image of a valid, government-issued ID
15 with photo for all beneficial owners (an owner with 10% or more
16 ownership of total shares). The image should include the front and
17 back of the ID. A passport is preferred, but a government military
18 ID, state issued ID or driver’s license is also accepted.
- 19 • Business formation document: This shows the name of the
20 beneficial owners (an owner with 10% or more ownership of total
21 shares). Depending on your location, these documents may be
22 called business or corporate charters, certificates of incorporation or
23 company registration forms.³⁹

24 150. If Meta Ads had complied with its own policies, including reasonable
25 background checks, Meta would have discovered and prevented the Scam Ads.

26 151. One reason that Meta Ads has not undertaken common-sense precautions

27 ³⁸ [https://transparency.fb.com/policies/ad-standards/business-assets/account-](https://transparency.fb.com/policies/ad-standards/business-assets/account-authenticity)
28 [authenticity](https://transparency.fb.com/policies/ad-standards/business-assets/account-authenticity). (last accessed 12/1/23).

³⁹ <https://www.facebook.com/business/help/193400874040813?id=1792465934137726>.
(last accessed 11/4/23).

1 like two-factor authentication is purely economic: Meta Ads generates more revenue
2 when ads are published, even if later taken down. If an ad or advertiser is rejected at the
3 outset, then Meta will only incur a cost and no revenue.
4

5 152. Meta itself acknowledges the problems caused by the use of false
6 identities in ads, and releases periodic reports that identify networks of fake account
7 and pages that deceive users.⁴⁰ Yet it has not stopped producing Scan Ads using
8 misappropriated identities.
9

10 153. Meta has filters or other methods it can use to screen out scam accounts
11 before an ad is created, through its “Meta Verified” subscription program.⁴¹ But Meta
12 chooses not to require validation for businesses it sells advertising to, even for
13 advertisers selling potentially risky products.
14

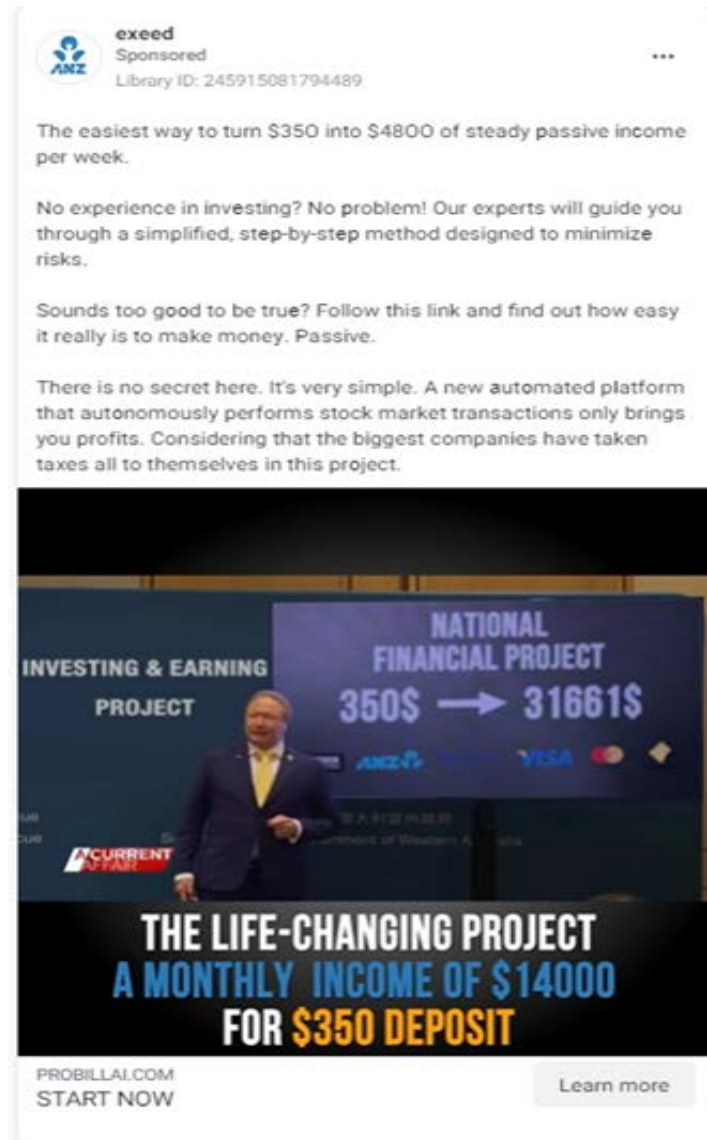
15 154. Scammers are also not only able to post ads through their own accounts,
16 but they routinely circumvent Meta’s weak security measures to take control over
17 popular accounts with a large following. Recently, individuals posting Scan Ads took
18 over the “exeed” [sic] page and began posting about an Australian quantum computing
19 financial platform. Prior to this takeover, the “exeed” page hosted content related to an
20 Italian esports team.⁴²
21
22
23
24

25 ⁴⁰ [https://about.fb.com/news/2021/11/october-2021-coordinated-inauthentic-](https://about.fb.com/news/2021/11/october-2021-coordinated-inauthentic-behavior-report/)
26 [behavior-report/](https://about.fb.com/news/2021/11/october-2021-coordinated-inauthentic-behavior-report/). (last accessed 12/1/23).

27 ⁴¹ <https://www.facebook.com/business/tools/meta-verified-for-business>. (last
28 accessed 12/1/23).

⁴² exeed, Facebook, <https://www.facebook.com/ExeedOfficial>. (last accessed
11/16/23).

155. A Scam Ad⁴³ run through the exceed page was paid for with Thai Baht and was viewed by between 30,000 and 35,000 Australians:



⁴³ This Scam Ad has been preserved on the Meta Ad Library at the following link: <https://www.facebook.com/ads/library/?id=245915081794489>. (last accessed 12/1/23).

The fraudulent landing page linked by this Scam Ad may still be live, and viewers should take care not to click the "ProbillAI.com" link when viewing the Ad.

2. Meta Allows Advertisers to Buy Financial Product Ads Without Verifying Their Authority to Sell Financial Products.

156. Meta knows full well that fake cryptocurrency and other fraudulent financial investment products are among the most common forms of fraud on social media. Yet it does little to stop them.

157. According to Meta's current policy for financial product ads, it *may* ask advertisers of financial products or services to prove that their business is authorized by the relevant regulatory body to advertise such products, and it *may* review the information provided, but such proof is not a prerequisite to initiating an ad.⁴⁴

158. By telling advertisers only that they *may* have to demonstrate their authority and that they *may* be reviewed, Meta signals that providing proof of authorization is not and may never be requested, and that Meta itself may never check it. In other words, unlicensed sellers can get their ads on Meta, even for ads that, like Scam Ads, designate "Australia" as the intended audience.

159. Australia regulates the sale of investment products. *See* Corporations Act 2001 (Cth) § 911A(1). To sell financial services in Australia, including providing financial advice or dealing in a financial product, a business or individual must have an Australian Financial Services License ("AFSL") from the Australian Securities and

⁴⁴ <https://transparency.fb.com/policies/ad-standards/content-specific-restrictions/financial-services>; <https://www.facebook.com/business/help/719892839342050>. (All last accessed 12/1/23).

Investments Commission (“ASIC”).⁴⁵

160. It is illegal to conduct a financial services business in Australia without an AFSL, and doing so exposes a person to both criminal and civil penalties, including fines and imprisonment.

161. Meta is aware of the existence of the requirements of Australian law and lists of licensees are publicly available and searchable for free, so it can easily check on the status of its customers.⁴⁶

162. Meta Ads, however, did not and does not require advertisers seeking to run Scam Ads in Australia to prove they hold an AFSL before their ads are accepted.⁴⁷

163. On information and belief, the individuals responsible for the Scam Ads did not have an AFSL. The scammers who purchased Scam Ads and operated the websites to which the Scam Ads linked were and are carrying on an illegal financial service business under Corporations Act § 911A(1).

164. The Scam Ads promoted, and continue to promote, the sale of unlicensed investment products on Meta’s social media platforms, and were directed to Australian users, despite the fact that scam advertisers are not licensed to sell financial products in Australia.

⁴⁵ <https://asic.gov.au/for-finance-professionals/afs-licensees/>. (last accessed 12/1/23).

⁴⁶ https://connectonline.asic.gov.au/RegistrySearch/faces/landing/SearchRegisters.jspx?_adf.ctrl-state=t2wnym10b_4. (last accessed 12/1/23).

⁴⁷ <https://transparency.fb.com/policies/ad-standards/content-specific-restrictions/financial-services>. (last accessed 12/1/23). Prior to 2022, Meta appears not have had specific policies requirements regarding the sale of investment products.

1 165. Meta Ads produced and continues to produce Scam Ads at the behest of
2 criminals who lack the license needed to sell financial products in Australia.

3
4 166. Meta Ads' failure to require proof that sellers are licensed by the ASIC
5 creates a marketplace for the sale of illegal investments in Australia. Meta Ads' failure
6 has harmed, and continues to harm, both Dr. Forrest and countless Australians who
7 have been tricked into buying scam financial products by ads misappropriating Dr.
8 Forrest's image.

9
10 167. Other responsible industry players, like Google, require an account to be
11 verified by Google to sell investment products in the country targeted before an ad is
12 run.

13
14 168. For example, Google's verification requirements have included the
15 following for Australia since 2022:

16
17 to show financial services ads in Australia - including showing ads to Australian
18 users who appear to be seeking financial services - advertisers need to be verified
19 by Google. As part of the verification process, advertisers must demonstrate that
20 they are licensed by the Australian Securities and Investments Commission
21 (ASIC). Please note that the financial services verification requirement covers
22 categories of financial services not regulated by the ASIC.

23 To obtain verification, **most advertisers will first need to obtain third party**
24 **verification from our vendor, G2. As part of G2's third party verification**
25 **process, advertisers must demonstrate that the relevant Australian financial**
26 **services regulator directly authorizes them to undertake financial services**
27 **activities or that they are exempt from the requirement.** Once verified by G2,
28 advertisers should apply to Google for financial services verification using the
unique third party verification code they receive from G2.

(emphasis added).⁴⁸

⁴⁸ <https://support.google.com/adspolicy/answer/12175793?hl=en>. (last accessed

1 **3. In Violation of its Own Policies, Meta Produces Cryptocurrency**
2 **Ads for Unapproved Sellers.**

3 169. Although Meta knows that ads featuring cryptocurrency are often
4 fraudulent, it has not required its Meta Ads business to establish any effective
5 procedures to review such proposed ads.
6

7 170. Since 2018, Meta's policies require that ads selling cryptocurrency
8 products and services must have Meta's written permission to promote crypto
9 products.⁴⁹ To obtain written permission, a seller must also show that they are licensed
10 by the relevant government agency, which in Australia is the Australian Transaction
11 Reports and Analysis Centre or the ASIC.⁵⁰
12

13 171. But on information and belief, the Scam Advertisers had no such license
14 and yet were allowed by Meta to purchase thousands of ads involving cryptocurrency.
15

16 172. Meta's failure to follow its policies for Scam Ads featuring cryptocurrency,
17 and failure to use reasonable care, led to some of the injuries cited in this complaint.
18

19 **C. Meta Only Reviews Component Parts and Not the Ad as a Whole,**
20 **Allowing Some Scam Ads to Go Undetected as a Result.**

21 173. Meta's ad review process is flawed because it only reviews the constituent
22 parts of an ad and not the ad as a whole. That makes it easy for Meta's automated
23 reviewer to miss the fact that a misappropriated image of a public figure (such as Dr.
24
25

26 _____
27 12/1/23).

28 ⁴⁹ [Cryptocurrency Products and Services, Meta Transparency Center](#). (last accessed 11/3/23).

⁵⁰ *Id.*

1 Forrest) is being used to make it appear that he or she is endorsing fraudulent
2 cryptocurrency or investment schemes.

3
4 174. When reviewed as a whole, the Scam Ads clearly promote a fraudulent
5 and restricted product.

6 175. Meta admits that ads contain numerous constituent parts and pieces of
7 information and that these ads are typically processed through the ad review system in
8 their constituent parts or components.⁵¹

9
10 176. By reviewing only the constituent parts of the ad, rather than the
11 advertisement as a whole, Meta's processes failed to detect Scam Ads featuring Dr.
12 Forrest.

13
14 **D. For Certain Scam Ads, Meta's Decision to Conduct Ad Review Off-**
15 **Shore Allowed Advertisers to Circumvent Meta's Review Process Via**
16 **Cloaking Software.**

17 177. Meta also fails to exercise reasonable care because it uses computer
18 servers outside of Australia to review ads that advertisers propose to run in Australia.

19 178. This allows criminals to easily bypass Meta's security by using
20 geolocation "cloaking software." Cloaking software changes the ultimate "landing
21 page" a viewer sees when they click on an ad link, based on where the viewer is
22 located. Using this software, a scammer can direct an ad reviewer in one location to an
23 innocuous-looking landing page, while directing the Australian user to the scam site.
24 For some of the Scam Ads (including those that gave rise to this action), cloaking
25
26
27

28

⁵¹ Defence of the First Named Defendant, Record No. 2020/1218P between Wissam Al Mana and Facebook Ireland Limited *et al.* at 7.

1 software was used.

2 179. This cloaking software works because Meta, in an effort to avoid the
3 jurisdiction of the Australian courts, has chosen to locate its advertisement review
4 platform offshore for ads that will run in Australia. However, Meta is fully aware that
5 scam advertisers use cloaking software to circumvent Meta's Advertising Standards
6 and get their fraudulent ads delivered.
7

8 180. Meta's decision to offshore its review platform despite the extensive use of
9 cloaking software materially enables the scammers' fraud.
10

11 **IX. META ENGAGES IN UNFAIR JURISDICTIONAL ARBITRAGE THAT**
12 **PREJUDICES DR. FORREST.**

13 181. In 2022, Meta earned approximately \$1.7 billion in revenue from its
14 Australian social media platforms, which provide service to 17 million Australian users.
15

16 182. In connection with Meta's services to Australians, Meta is engaged in a
17 jurisdictional arbitration that materially prejudices Dr. Forrest.
18

19 183. Jurisdictional arbitration can involve locating, organizing, and structuring
20 the business functions of a corporation or lines of business to reduce or even eliminate
21 legal obligations. Jurisdictional arbitration occurs where a business seeks to avoid
22 unfavorable law or judicial enforcement in a particular location, and structures entities
23 and operations to circumvent potential liability, finding legal shelter elsewhere.
24

25 184. Meta is no stranger to jurisdictional arbitration. In 2017, for example, Meta
26 was identified to be using subsidiary entities in Ireland and Singapore to substantially
27 reduce its U.S. corporate tax rate.
28

1 185. In May 2018, Meta took proactive steps to put 1.5 billion users of its social
2 media platforms, including all Australian users, out of reach of the European Union's
3 ("EU's") incoming General Data Protection Regulations ("GDPR").
4

5 186. Because Meta's products and services are delivered to users and
6 advertisers over the internet, to pursue arbitrage, Meta makes certain corporate choices
7 as to the way it owns and operates its user services in Australia.
8

9 187. On the basis of the ownership and structures that Meta has in fact chosen,
10 Meta asserts that it does not do business in Australia and is not subject to Australian
11 law, where there is no equivalent to Section 230 immunity. But with respect to Dr.
12 Forrest's claims brought in California, Meta asserts that it is entitled to Section 230
13 immunity. In doing so, Meta is seeking to circumvent Australian law, denying Dr.
14 Forrest access to justice in either Australia or in California.
15
16

17 188. The known structuring features of Meta's platforms in Australia that
18 prejudice Dr. Forrest are as follows:
19

20 189. Meta distinguishes the legal entities contracting with users from those
21 with advertisers. Starting in July 2018, users on the Australia platform contract with
22 Meta Inc. and advertising customers seeking to post ads on the Australian platform
23 contract with both Meta Inc. and with Meta Ireland.
24

25 190. Australia users and advertisers originally contracted only with Meta
26 Ireland, which was solely responsible for the Australian platform when Dr. Forrest first
27 complained to Meta, in 2014, about fraud on the platform. However, since July 2018,
28 coincidental with the introduction of the GDPR, Meta Inc. is now the contracting party

1 with its Australian users and is said to be the owner and operator of the Australian
2 platform.

3
4 191. Neither Meta Inc. nor Meta Ireland is registered to do business in
5 Australia, nor do they have a principal place of business in Australia.

6 192. At the same time, the Terms and Conditions that Meta imposes on users
7 of its social media platforms and its advertising customers in Australia require them to
8 bring suit against Meta in the United States, where Meta can invoke Section 230 as a
9 defense to liability. The Terms and Conditions further provide that any litigation
10 relating to the Australian platform is governed by California law.
11

12
13 193. Yet Meta reserves the right to sue its users anywhere it wants by requiring
14 that its users “agree that, in its sole discretion, Meta may bring any claim, cause of
15 action, or dispute we have against you in any competent court in the country in which
16 you reside that has jurisdiction over the claim.”⁵²
17

18 194. Neither Meta Inc. nor Meta Ireland has an official address for service of
19 process in Australia. Meta Inc.’s Australian legal representatives are instructed to refuse
20 service of process for Meta Inc. and Meta Ireland.
21

22 195. Meta also services its Australian users from offshore. Meta’s automated
23 digital review of advertising occurs offshore from Australia; any manual review of
24 advertising content is undertaken in weakly regulated, low-labor-cost Asian countries;
25 and the law enforcement liaison and data centers for Meta’s Australian social media
26
27
28

⁵² www.facebook.com/legal/terms. (last accessed 12/1/23).

platforms are in Singapore.

196. Consistent with the foregoing, Meta has taken the position in this litigation that it can only be sued in the United States for the harms that it has inflicted on Dr. Forrest in Australia.

197. In a letter dated August 27, 2019, in response to queries from Dr. Forrest's Australian lawyers, Meta's U.S. lawyers (of White & Case, LLP's Los Angeles office), wrote to Dr. Forrest's Australian legal counsel, on behalf of both Meta Inc. and Meta Ireland, stating that, "[f]or users residing in Australia, the Facebook service is hosted and operated by Facebook, Inc., a company organized and existing under the laws of Delaware, United States, and with its principal place of business in Menlo Park, California..."⁵³

198. The August 27 letter went on to state that "Facebook Ireland is a separate entity, independent of and legally distinct from Facebook, Inc. Facebook Ireland does not own, operate, control, or host the Facebook Services for Australian users. Facebook, Inc. is the entity with which Australian users have a contractual relationship, and it operates and controls the Facebook Service for such users."

199. The August 27 letter further stated that:

a. "[t]he Facebook Entities [responsible for the Scam Ads – i.e., Facebook Inc. and Facebook Ireland] are incorporated outside of the

⁵³ The letter is unsigned but appears to be attributable to Aaloki Sharma, who White & Case represents to be "Facebook's global litigation counsel" leading a team with encyclopedic knowledge of jurisdictions around the world. The letter purports to also be on behalf of Facebook Ireland Ltd.

1 Commonwealth of Australia and do not submit to Australian jurisdiction”
2 (emphasis added);

3
4 b. “our firm is not instructed to accept service of any proceedings or
5 documents on behalf of Facebook, Inc. or any other Facebook entity;”

6
7 c. “the Facebook Entities are unable to proactively monitor the Facebook
8 Service for unlawful content;”

9
10 d. “the Facebook Entities are not publishers of content and, contrary to
11 what the [August 9] Letter suggests, does not ‘publish’ advertisements
12 appearing on the Facebook Service.” (emphasis added).

13 200. Thus, Meta denies that it is subject to the jurisdiction of Australia, and
14 asserts it is not liable because it “does not publish” the Scam Ads. However, in defense
15 of the claims in this case, Meta has asserted it is a publisher and thus entitled to Section
16 230 immunity. This illustrates Meta’s use of jurisdictional arbitrage in unequivocal
17 terms.
18

19
20 201. In summary, Meta seeks to defeat Dr. Forrest’s claims by invoking Section
21 230 – a “Good Samaritan” provision enacted to protect internet service providers from
22 the inimical position they were put in as potentially liable as both publishers and
23 distributors for user content over which they had no control. Here, ironically, Meta has
24 invoked this “Good Samaritan” statutory immunity to affirmatively defeat Dr. Forrest’s
25 claims regarding advertising content, where the availability of the Section 230 immunity
26 only arises from jurisdictional arbitrage undertaken by Meta.
27
28

202. This cynical strategy would, if successful, effectively deny Dr. Forrest any

1 reasonable access to justice in any jurisdiction. This outcome is unconscionable and
2 unfair.

3
4 203. Dr. Forrest accordingly seeks equitable relief in the form of a declaration
5 that Section 230 does not apply to Meta's conduct in this case.

6 **X. EXTRATERRITORIAL LOCUS OF RELEVANT CONDUCT**

7
8 204. Dr. Forrest filed this case in California because of Meta's ongoing
9 assertion that its global business operations are beyond the jurisdictional reach of any
10 foreign court.

11 205. Dr. Forrest is a citizen of Australia and resides in Australia.

12
13 206. The victims of the Scam Ads are exclusively Meta users who accessed
14 Meta's social media platforms in Australia, where the overwhelming majority of the
15 Scam Ads were targeted and shown.

16
17 207. The activities of the Scam Advertisers—criminals all located outside the
18 United States—have no connection to the United States other than the fact that they
19 accessed and worked with Meta's architecture of computer clusters in Singapore and
20 Southeast Asia to develop, optimize, and then deliver the Scam Ads to members of the
21 Australian public.

22
23 208. Upon information and belief, any automated review of Scam Ads targeted
24 at Meta users in Australia is undertaken by computer hardware outside of Australia, in
25 Singapore and other parts of Asia. To the extent any review of the Scam Ads is
26 undertaken by natural persons, such review is undertaken outside Australia.
27
28

209. Ad revenue for the early Scam Ads was received by Meta Ireland.

210. Upon information and belief, ad revenue for the current Scam Ads is processed by Meta Ireland.

211. Ad revenue for the current Scam Ads is billed and paid for in a variety of currencies.

212. The Scam Ads at issue in this lawsuit were specifically targeted to be delivered to the computers and mobile devices of users of Meta's social media platforms across Australia who follow and admire Dr. Forrest as a successful and prominent Australian businessman and philanthropist.

213. If, as expected, Meta raises Section 230 as an affirmative defense to this complaint, the Australian locus and impact of the fraud make application of Section 230 immunity contrary to the presumption against extraterritoriality.

CAUSES OF ACTION

214. Dr. Forrest has been irreparably harmed, as Meta's actions detract from the positive associations with Dr. Forrest's name, cloud his reputation, and ultimately decrease the commercial value of his name and image. Dr. Forrest brings each of the following causes of action against Meta. As to each cause of action, Dr. Forrest re-alleges the preceding paragraphs of this TAC as if fully set forth therein.

FIRST CAUSE OF ACTION
Misappropriation of Name and Likeness

215. At all relevant times, Meta knowingly used and misappropriated Dr. Forrest's name and likeness in images and videos in violation of California common law.

1 216. Meta's advertising business misappropriated Dr. Forrest's name and
2 likeness by contracting and receiving payment to produce Scam Ads that it produced
3 and was paid for in order that they then be shown to Australians via Meta's social
4 media platforms, including Facebook and Instagram, and third party sites through
5 Meta Ads' Audience Network.
6

7 217. Meta knowingly and willingly participated in the misappropriation of Dr.
8 Forrest's name and likeness. Meta gained a commercial benefit through its Meta Ads
9 business by charging prospective customers to produce Scam Ads with products and
10 tools designed and deployed to optimize ad success.
11

12 218. Meta also gained a commercial advantage through its misappropriation
13 because the Scam Ads kept its users engaged due to public interest in Dr. Forrest.
14

15 219. Dr. Forrest has never consented to these unauthorized and illegal uses of
16 his name, voice, likeness, or photos or videos of him. Meta knew, or should have
17 known, that Dr. Forrest did not authorize or consent to the misuses because Dr. Forrest
18 himself and his agents directly informed Meta of the misappropriation.
19

20 220. Dr. Forrest's name, image, and likeness, and his right to publicity are his
21 intellectual property.
22

23 221. As a result of Meta's wrongful conduct, Dr. Forrest was harmed. His name
24 and likeness is his intellectual property and has a commercial value. It was used
25 without his consent.
26

27 222. In addition, the misappropriation created the false impression that he was
28 associated with criminal scammers, causing damage to his reputation. Moreover, Dr.

1 Forrest has spent hundreds of thousands of dollars defending his reputation and name,
2 and attempting to restore his public image by investigating and responding to the
3 harm.
4

5 223. Meta's prior and on-going misappropriation of Dr. Forrest's common law
6 right to his name and likeness has been deliberate, willful, and in disregard of his rights.
7

8 224. Dr. Forrest seeks all available compensatory, punitive, and other damages
9 for past harm, injunctive relief, as well as the value of any profits wrongfully obtained
10 by Meta, in an amount to be proven at trial.
11

12 **SECOND CAUSE OF ACTION**
13 **Promissory Estoppel**

14 225. In 2016, Meta convinced Dr. Forrest that creating a "verified" user page on
15 Facebook would assist Meta in protecting Dr. Forrest from fraud on its social media
16 platforms.
17

18 226. On May 20, 2019, and October 18, 2018, Meta promised to stop the
19 misappropriation of Dr. Forrest's image and name in Scam Ads posted to Meta's social
20 media platforms.
21

22 227. Meta has not stopped Scam Ads from appearing on Meta's social media
23 platforms or taken the Scam Ads down — and in fact they appear to be multiplying.
24

25 228. Meta knew or should have known that Dr. Forrest would rely on its
26 promises and conduct to his detriment.
27

28 229. Meta has reneged on its promise to protect Dr. Forrest from the misuse of
his image on its platforms, as well as breached the promises set forth above, both

1 expressly and by its conduct.

2 230. These wrongful acts of Meta caused and continue to cause injury to Dr.
3 Forrester in an amount in to be determined at trial.
4

5 **THIRD CAUSE OF ACTION**
6 **Negligence**

7 231. Meta designed, managed, operated, controlled, and benefitted from its
8 Meta Ads business.

9 232. Meta knew or should have known that its Meta Ads business was
10 responsible for producing Scam Ads it knew or should have known were designed to
11 be shown to harm Australians by scamming them out of large sums of money, and
12 would harm Dr. Forrester by misappropriating his image, associating him with financial
13 scams, and damaging his reputation.
14

15 233. Meta knew or should have known that Australian users of Meta's social
16 media platforms acting reasonably would have believed that the Scam Ads were
17 legitimate and the products they sold were endorsed by Dr. Forrester.
18

19 234. Meta owes a duty to the public, including Dr. Forrester, to design and
20 operate its advertising business in a commercially reasonable manner. *See* Cal. Civil
21 Code § 1714. Meta breached this duty by knowingly acting as an advertising agency for
22 the Scam Advertisers, knowingly producing Scam Ads pre-loaded with Meta Ads tools
23 and features that Meta knew or should have known were designed to optimize the
24 victimization of vulnerable Australian users, and knowingly disseminating the Scam
25 Ads.
26
27
28

1 235. Meta also breached its duty by the conduct described herein, including
2 but not limited to: (a) knowingly designing its advertising business and its Ads
3 Manager application to produce and facilitate ads by unverified businesses selling
4 unlicensed or unregistered cryptocurrency or investment products; (b) knowingly
5 designing and employing defective procedures to screen or vet advertisers selling
6 unlicensed or unregistered cryptocurrency, investment products, and ads that misused
7 Dr. Forrest's image; and (c) knowingly designing and employing review procedures
8 that were ineffective, and that allowed Scam Ads to be produced and delivered by Meta
9 Ads to then compete for available advertising space on Meta's social media platforms
10 and beyond with the intention that they be viewed by Meta's users.

14 236. Meta knew, or had reason to know, that the Scam Advertisers were and
15 are not legitimate financial service businesses and were and are not licensed to sell
16 investment products in Australia.

18 237. Meta knew that its ad review process was ineffective, as it allows
19 advertising for illegal sales, and it fails to deploy filters at a reasonable time during, not
20 after, the Meta Ads production process.

22 238. Meta knows that it fails to follow its own ad review and ad acceptance
23 policies.

25 239. As a direct and proximate result of Meta's breach of its duty, Dr. Forrest
26 and other Australians were harmed and sustained the injuries described in this
27 complaint.

28 240. It was foreseeable that Meta users would lose money as a result of the

1 Scam Ads produced and allowed by Meta. It was foreseeable that Dr. Forrest's
2 reputation would be damaged by the running of the Scam Ads, suggesting he endorsed
3 the scams they promoted. And it was foreseeable that Dr. Forrest's reputation would be
4 harmed when individual Australians fell victim to the scams which were falsely
5 associated with him.
6

7
8 241. A reasonably prudent advertising agency in Meta's position would, *inter*
9 *alia*: (a) better design its review process such that the Meta Ads advertising business
10 would identify and reject Scam Ads during the production of such ads -- before they
11 were paid for by scammers or afforded the chance to be disseminated to vulnerable
12 users and others; (b) adopt effective verification processes for sellers of products such as
13 financial products and services; and (c) review the advertisements it produces
14 effectively before they are disseminated.
15
16

17 242. As a result of Meta's negligence, Dr. Forrest was injured as described
18 above, as were unwitting Meta users.
19

20 243. Given their ongoing nature, Dr. Forrest's injuries cannot be wholly
21 remedied by monetary relief and such remedies at law are inadequate. Dr. Forrest seeks
22 injunctive relief to remedy his ongoing harms and losses.
23

24 244. Dr. Forrest seeks judgment against Meta for all his monetary and other
25 damages, injunctive and other equitable relief, and the value of any gains, profits, or
26 advantages wrongfully obtained by Meta, in an amount to be proven at trial, together
27 with his costs of suit, attorneys' fees and such other and further relief as the Court
28 deems just and proper.

FOURTH CAUSE OF ACTION
Negligent Failure to Warn

245. At all relevant times, Meta has known that its Meta Ads advertising business has produced Scam Ads that used Dr. Forrest's name and likeness without his consent, to sell some investment products with his false endorsements. The harm the ads caused to Dr. Forrest is reasonably foreseeable to Meta.

246. Meta had actual or constructive knowledge of the Scam Ads and the unreasonable harm they posed, irrespective of its review or monitoring of content on its social media platforms, from Dr. Forrest and other sources including, *inter alia*, the federal Australian Competition and Consumer Commission and Australian media.

247. Since at least March 2019, through the present, Meta should have supplied reasonable warnings to users on its Australian Facebook, Instagram, and Messenger social media platforms, to notify them of the Scam Ads and their fraudulent form and purpose.

248. Meta's duty to warn about Scam Ads could have been satisfied even without conducting a detailed investigation. Meta's duty to warn would not require it to remove or change any user content or otherwise affect how it publishes or monitors user content.

249. A reasonable warning could be given to all Australian Meta users. Such warnings would involve only content that Meta itself produced, and could be given at *de minimus* cost, and with no appreciable burden on Meta or the operation of its Australian user platforms.

1 250. As a direct and proximate result of Meta's failure to provide reasonable
2 warnings to its Australian users, Dr. Forrest has suffered and continues to suffer
3 monetary and other harms and losses. Meta's failure to warn is a substantial factor in
4 causing Dr. Forrest's harm. If Australians users had been warned about the Scam Ads,
5 fewer would have fallen victims to the scams, and fewer would have associated the
6 Scam Ads or their losses with Dr. Forrest, minimizing the harm to his reputation.
7

8 251. Due to its misfeasance in the design and operation of its Meta Ads
9 advertising business, Meta is responsible for making Dr. Forrest's position worse and
10 creating the risk, such that no "special relationship" is required for a duty to warn to
11 exist.
12

13 252. Although no "special relationship" is required for a duty to warn in this
14 case, a special relationship did exist between Meta and Dr. Forrest by virtue of Meta's
15 having successfully counselled Dr. Forrest to create a "verified" Facebook page so that
16 Meta could protect his name, image, and reputation from fraudulent misuse.
17

18 253. Given their ongoing nature, Dr. Forrest's injuries cannot be wholly
19 remedied by monetary relief and such remedies at law are inadequate. Dr. Forrest seeks
20 injunctive relief to remedy his ongoing harms and losses.
21

22 254. Dr. Forrest seeks judgment against Meta for all his monetary and other
23 damages, injunctive and other equitable relief, and the value of any profits wrongfully
24 obtained by Meta, in an amount to be proven at trial.
25
26
27
28

FIFTH CAUSE OF ACTION
Unjust Enrichment

255. Meta, through its Meta Ads advertising business, has wrongly received ad revenue in return for producing Scam Ads while on notice of and with knowledge that such Scam Ads and the criminals accessing Meta Ads to make them were frauds, who were using and paying for ads in order to deceive and defraud vulnerable Australian consumers including Meta's users.

256. For these reasons, and because Scam Ads misused Dr. Forrest's reputation, name, likeness, and endorsement, this revenue has been and remains unjustly retained by Meta.

257. Meta has been unjustly enriched through the receipt of ad revenue derived in connection with these ads, which sums should be disgorged to Dr. Forrest, and through the increased engagement of its users.

SIXTH CAUSE OF ACTION
Declaratory Relief

258. A justiciable controversy exists and is ripe for adjudication as to whether Meta should be able to assert, as it does, the application of 47 U.S.C. § 230 to immunize it from liability for the wrongful conduct herein alleged by Dr. Forrest.

259. As set forth above, Meta has engaged in improper jurisdictional arbitrage, improperly seeking the extraterritorial application of Section 230 with the intent to deny Dr. Forrest the right to seek available redress in Australia or the United States for the harm caused to him by Meta's conduct in operating its Australian social media platforms.

1 260. As a consequence, Meta should be estopped and otherwise equitably
2 precluded from relying upon its claimed affirmative defense asserting immunity under
3 47 U.S.C. § 230 for the claims stated by Dr. Forrest herein, and this Court should
4 determine, in the exercise of its discretion, which law applies to each of the disputes in
5 this action.
6

7
8 **PRAYER FOR RELIEF**

9 WHEREFORE, Dr. Andrew Forrest prays that this Court enter judgment in his
10 favor and against defendant Meta as follows:

11 1. That Dr. Forrest is entitled to damages in an amount to be proven at trial
12 but in no event less than \$75,000, as permitted by law and according to proof;

13 2. That Dr. Forrest is entitled to specific performance of Meta's promises;

14 3. That Dr. Forrest be awarded punitive or exemplary damages in an amount
15 to be determined at trial;
16

17 4. That this Court issue injunctive relief prohibiting Meta from engaging in
18 the unlawful and unfair conduct described herein in the future;
19

20 5. That Meta be required to add a warning to any advertisements that
21 feature Dr. Forrest and include a false endorsement of financial products, regarding
22 their misleading nature;
23

24 6. That Meta has been unjustly enriched and should be ordered to disgorge
25 its ill-gotten gains including advertising revenues derived from the Scam Ads;
26

27 7. That this Court grant declaratory relief providing that Meta is estopped
28 and precluded from relying upon its claimed affirmative defense of immunity under 47

1 U.S.C. § 230 and this Court should determine, in the exercise of its discretion, which law
2 applies to each of the disputes in this action;

3
4 8. That Dr. Forrest be afforded such other and further relief, including his
5 attorneys' fees, as this Court deems just and proper, and law and equity allow; and

6 9. That Dr. Forrest is entitled to costs of suit.

7
8 **DEMAND FOR JURY TRIAL**

9 Plaintiff Dr. Andrew Forrest respectfully requests a jury trial on all triable issues
10 in the above-entitled action.

11 Dated: December 1, 2023

12
13 **BAILEY & GLASSER LLP**

14 /s/ Elizabeth Ryan

15 Elizabeth Ryan (admitted *pro hac vice*)

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Attorneys for Plaintiff Dr. Andrew Forrest

CERTIFICATE OF SERVICE

This is to certify that on December 1, 2023 a copy of the foregoing was served upon counsel of record for Defendant via the Court's ECF system.


/s/ Elizabeth Ryan
Elizabeth Ryan

ATTACHMENTS

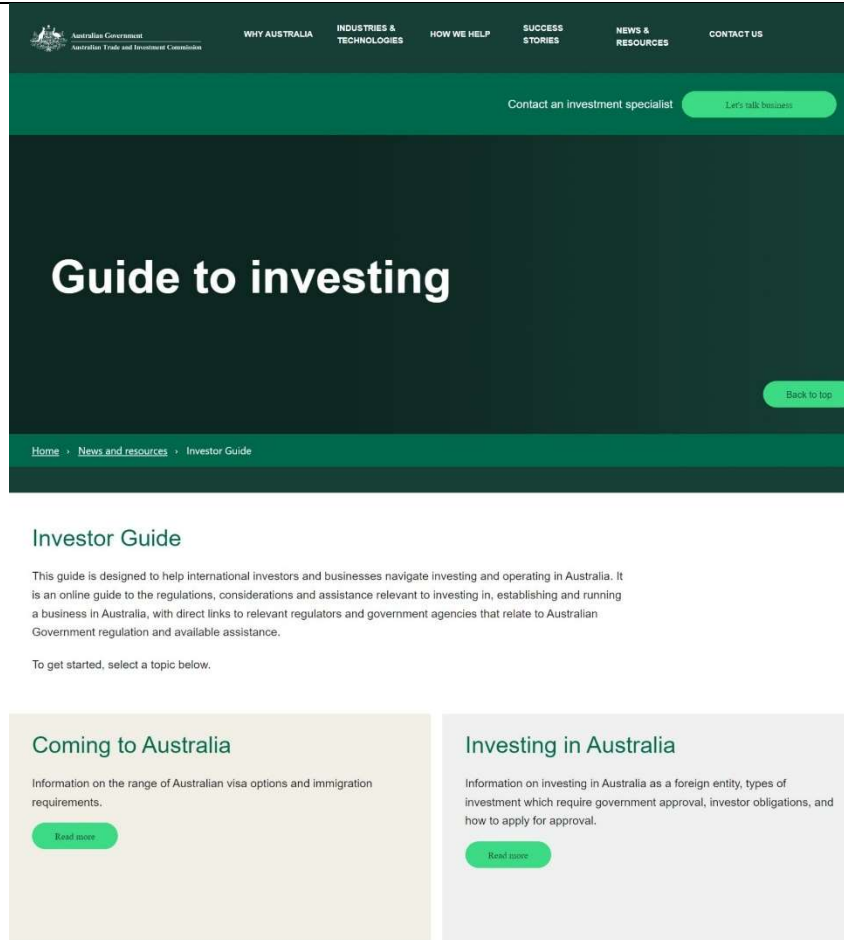
ATTACHMENT A

Scam Ads Preserved on Meta Ad Library


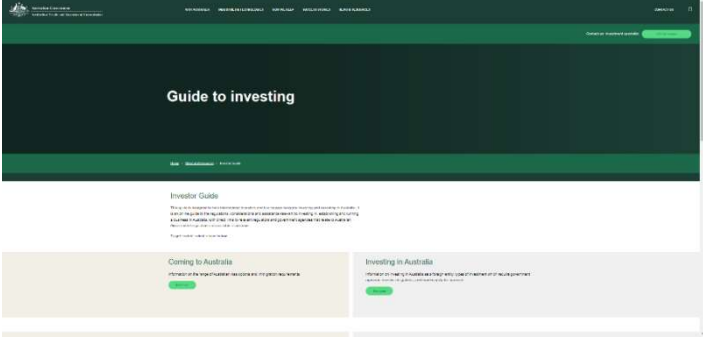
Scam Advertiser	Our World
Advertiser Account ID	139205762617431
Caption	<p>In a time of economic challenges brought on by high inflation and rising interest rates, a group of influential Australian billionaires have taken on the responsibility of easing the financial burden on citizens. Andrew <<Twiggy>> Forrest, Gina Rinehart, and Dick Smith have joined forces to create a financial platform that has been supported by the government under the leadership of Treasurer Jim Chalmers.</p> <p>This unique program opens the door to every citizen, providing the opportunity to invest with a minimum deposit of \$351. At the same time, the expected average income is an impressive \$7,210 per week. Billionaires and the government have made investments accessible to a wide audience, helping people protect their finances from the negative effects of economic factors.</p> <p>The main goal of the program is to provide citizens with the tools to ensure financial stability in the face of economic uncertainty. Government support from Treasurer Jim Chalmers underscores the importance of partnerships between business and government in promoting public welfare.</p> <p>Billionaires who founded this program benefit from expanding their influence and reputation in society. Creating a financial platform focused on helping citizens allows them to position themselves as socially responsible leaders.</p> <p>Government support also contributes to a positive perception of the program in society and emphasizes the importance of joint efforts in solving financial problems.</p> <p>Cooperation with the government and providing access to investments with minimum investments demonstrates concern for the well-being of citizens. It also contributes to increasing trust in business and government, which is an important factor in strengthening economic stability in the country.</p> <p>The financial platform created by billionaires and supported by the government is becoming a shining example of how joint efforts of business and government can lead to positive changes in the lives of citizens. This initiative not only helps to cope with financial difficulties, but also strengthens social responsibility and interaction between key players in society</p>

Screenshot	 <p>Our World Sponsored Library ID: 335872922273076</p> <p>In a time of economic challenges brought on by high inflation and rising interest rates, a group of influential Australian billionaires have taken on the responsibility of easing the financial burden on citizens. Andrew «Twiggy» Forrest, Gina Rinehart, and Dick Smith have joined forces to create a financial platform that has been supported by the government under the leadership of Treasurer Jim Chalmers....</p> <p>THIS INTERVIEW CAUSED A STIR IN AUSTRALIA</p> <p>GOVERNMENT GUARANTEES AND RECOMMENDATIONS FROM THE TREASURY! START WITH \$349 AND WITHDRAW \$7200 EVERY WEEK!</p> <p>AUSSIEI.COM START NOW</p> <p>Learn more</p>
Call to Action	START NOW
Number of Versions	6
Currency Used	United States Dollars
Landing Page	Aussiei.com


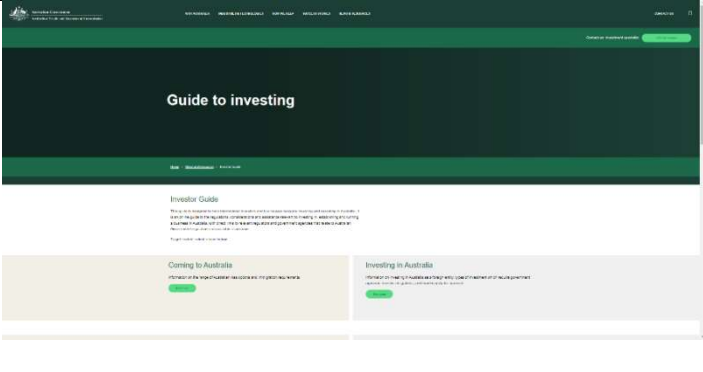
Screenshot of Landing Page




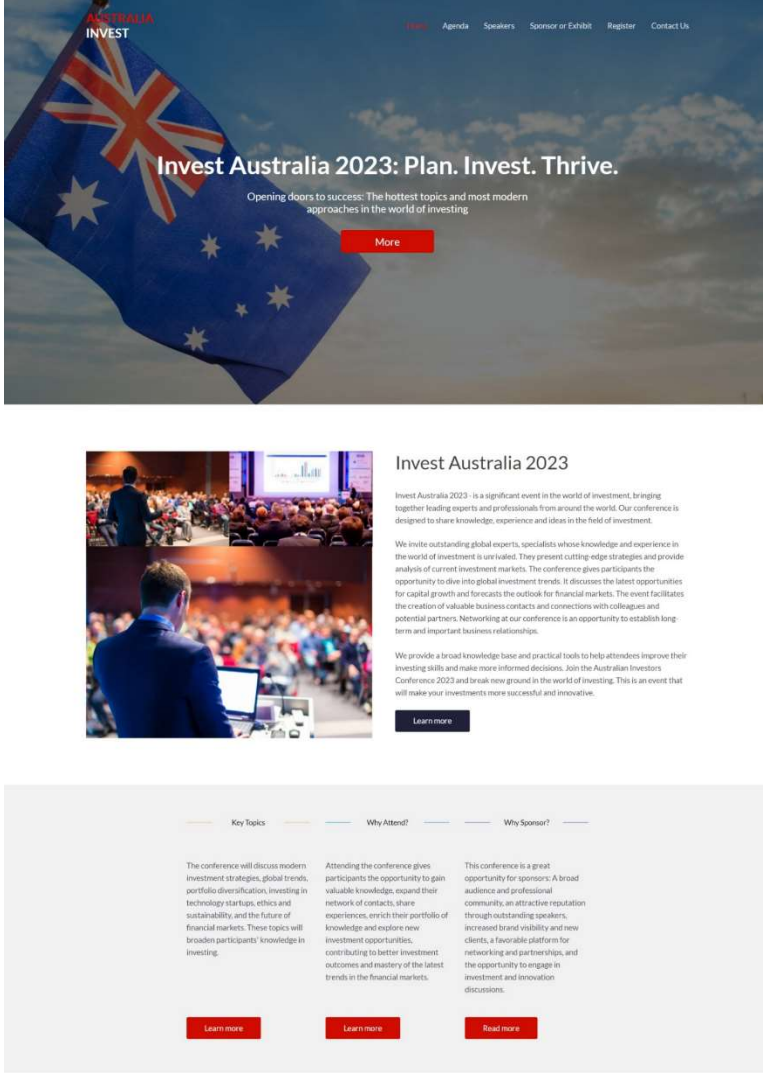
Scam Advertiser	Best Offer
Advertiser Account ID	120847777789694
Caption	<p>In a time of economic challenges brought on by high inflation and rising interest rates, a group of influential Australian billionaires have taken on the responsibility of easing the financial burden on citizens. Andrew <<Twiggy>> Forrest, Gina Rinehart, and Dick Smith have joined forces to create a financial platform that has been supported by the government under the leadership of Treasurer Jim Chalmers.</p> <p>This unique program opens the door to every citizen, providing the opportunity to invest with a minimum deposit of \$351. At the same time, the expected average income is an impressive \$7,210 per week. Billionaires and the government have made investments accessible to a wide audience, helping people protect their finances from the negative effects of economic factors.</p> <p>The main goal of the program is to provide citizens with the tools to ensure financial stability in the face of economic uncertainty. Government support from Treasurer Jim Chalmers underscores the importance of partnerships between business and government in promoting public welfare.</p> <p>Billionaires who founded this program benefit from expanding their influence and reputation in society. Creating a financial platform focused on helping citizens allows them to position themselves as socially responsible leaders.</p> <p>Government support also contributes to a positive perception of the program in society and emphasizes the importance of joint efforts in solving financial problems.</p> <p>Cooperation with the government and providing access to investments with minimum investments demonstrates concern for the well-being of citizens. It also contributes to increasing trust in business and government, which is an important factor in strengthening economic stability in the country.</p> <p>The financial platform created by billionaires and supported by the government is becoming a shining example of how joint efforts of business and government can lead to positive changes in the lives of citizens. This initiative not only helps to cope with financial difficulties, but also strengthens social responsibility and interaction between key players in society</p>

Screenshot	 <p>Best Offer Sponsored Library ID: 1028535298186646</p> <p>In a time of economic challenges brought on by high inflation and rising interest rates, a group of influential Australian billionaires have taken on the responsibility of easing the financial burden on citizens. Andrew «Twiggy» Forrest, Gina Rinehart, and Dick Smith have joined forces to create a financial platform that has been supported by the government under the leadership of Treasurer Jim Chalmers. ♦...</p> <p>THIS INTERVIEW CAUSED A STIR IN AUSTRALIA</p> <p>GOVERNMENT GUARANTEES AND RECOMMENDATIONS FROM THE TREASURY! START WITH \$349 AND WITHDRAW \$7200 EVERY WEEK!</p> <p>AUSSIENSK.COM Learn More</p> <p>Learn more</p>
Call to Action	Learn More
Number of Versions	6
Currency Used to Pay for Ad	Great British Pounds
Landing Page	Aussiensk.com
Screenshot of Landing Page	 <p>Guide to investing</p> <p>Investor Guide Being an investor in Australia means that you have access to a wide range of investment opportunities. At AUSSIENSK, we have created a platform that allows you to invest in Australia's most promising assets. Whether you're looking for a long-term investment or a short-term opportunity, we have the right solution for you. Contact us today to learn more about our investment opportunities.</p> <p>Coming to Australia AUSSIENSK is a leading Australian investment platform. We provide a wide range of investment opportunities for our investors. Contact us today to learn more about our investment opportunities.</p> <p>Investing in Australia AUSSIENSK is a leading Australian investment platform. We provide a wide range of investment opportunities for our investors. Contact us today to learn more about our investment opportunities.</p>


Scam Advertiser	Best Profit
Advertiser Account ID	121724304367121
Caption	<p>A landmark name in the world of financial news - Gina Rinehart, Dick Smith and Andrew Forrest have teamed up to unveil an innovative project that aims to improve the quality of life for every Australian. This team of billionaires have decided to take it a step further and they want you to partner with them too.</p> <p>The investment platform created by this powerful trio offers a unique opportunity for everyone in Australia to be part of a project that aims to raise the standard of living in the country. But why should you consider investing in their project?</p> <ol style="list-style-type: none"> 1. Opportunity for everyone: A minimum investment of just \$350.00 makes this projecct accessible to every citizen. Now you too can contribute to Australia's future. 2. Economic growth: Gina Rinehart, Dick Smith and Andrew Forrest are names that are associated with successful business projects. They put their resources into projects that contribute to economic growth and infrastructure development in the country. Your investment will contribute to this positive change. 3. Social Responsibility: This team also focuses on social aspects. Their investments are aimed at improving education, healthcare and housing conditions for all citizens. Your investment will help sustain these important initiatives. 4. Support and Trust: The reputation of Gina Reinhart, Dick Smith and Andrew Forrest is key to the reliability and success of this project. They are working with a team of experts to ensure transparency and secure operations. <p>This is your chance to contribute to Australia's future and make money at the same time. Billionaires Gina Rinehart, Dick Smith and Andrew Forrest have created an investment platform and they invite you to join them. Don't miss this opportunity to be part of history and make a better future for yourself and all Australians.</p> <p>Take your first step towards financial independence and prosperity. Your participation is your future.</p>

Screenshot	 <p>Best Profit Sponsored Library ID: 704000364789556</p> <p>A landmark name in the world of financial news - Gina Rinehart, Dick Smith and Andrew Forrest have teamed up to unveil an innovative project that aims to improve the quality of life for every Australian. This team of billionaires have decided to take it a step further and they want you to partner with them too.</p> <p>The investment platform created by this powerful trio offers a...</p> <p>THIS INTERVIEW CAUSED A STIR IN AUSTRALIA</p> <p>GOVERNMENT GUARANTEES AND RECOMMENDATIONS FROM THE TREASURY! START WITH \$349 AND WITHDRAW \$7200 EVERY WEEK!</p> <p>AUSSIENSK.COM Start Now</p> <p>Learn more</p>
Call to Action	Start Now
Number of Versions	2
Currency Used to Pay for Ad	Hong Kong Dollars
Landing Page	Aussien.com
Landing Page Screenshot	 <p>AUSSIEN.COM Home About Us Services Contact Us</p> <p>Guide to investing</p> <p>Investor Guide This is the first step in your journey to becoming a successful investor in Australia. It provides a comprehensive overview of the investment process, from initial research to final decision-making. The guide covers everything you need to know to make informed decisions and maximize your returns.</p> <p>Coming to Australia If you are considering moving to Australia, this section provides essential information on visa requirements, immigration procedures, and the cost of living. It also offers insights into the Australian market and the opportunities available to investors.</p> <p>Investing in Australia This section details the various investment opportunities available in Australia, including real estate, infrastructure, and private equity. It provides a deep dive into the Australian market, highlighting the potential for high returns and long-term growth.</p>

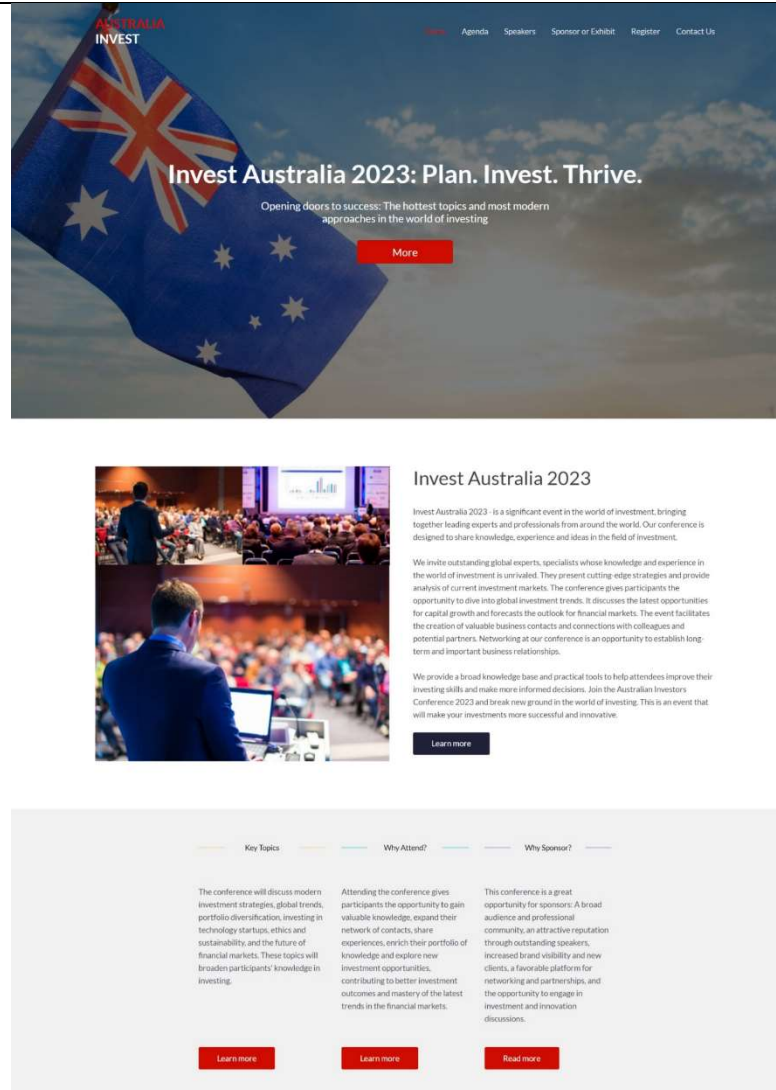
Scam Advertiser	Conversation apparently
Advertiser Account ID	165078696682488
Caption	<p>One day will be enough to realize that this is not what we have seen before. Important names in the country's financial structure are leading Australia into the land of the future.</p> <p>The project brings profitable trades after calculating the risks, choosing the most profitable way to trade.</p> <p>The country's leading businessmen whose names speak for themselves: Mike Henry, Andrew Forrest - have created thousands of jobs and brought billions of dollars in taxes to the state coffers. Now they are changing the lives of all Australians.</p> <p>Why does the project need everyone?</p> <ol style="list-style-type: none"> 1. Your money should work for you in the long term. Investors have an income of 30,000 a month or more. 2. Taxation is minimized. 3. Inflation will take your money out of the bank. 4. The minimum deposit for everyone is 350 dollars to get started.
Screenshot	 <p>The screenshot shows a Facebook post from 'Conversation apparently' (Sponsored). The post contains the same text as the 'Caption' field. Below the text is a video thumbnail featuring a man in a suit. The video has a 'WATCH UNTIL THE END' banner at the top. The video player shows a man speaking, with a 'Chris Kenney Tonight' logo in the bottom left. Below the video, there is a call to action: 'IT'S EASIER THAN EVER! TO MAKE \$40,000 PASSIVE IN A MONTH FROM \$350'. At the bottom of the post, there is a URL 'KOIKDQASKFLEMXXASOE.COM' and a 'Start Now' button.</p>
Call to Action	Start Now
Number of Versions	4

Currency Used to Pay for Ad	United States Dollars
Landing Page	Koikdqaskflemxkasoe.com
Screenshot of Landing Page	

Scam Advertiser	A stable future
Advertiser Account ID	103686984509659
Caption	<p>In a single day, it becomes apparent that what unfolds before us is unlike anything witnessed before. Influential figures in the nation's financial landscape are propelling Australia into the realms of the future.</p> <p>This ground-breaking initiative is turning \$350 into a steady monthly income of 30k+ by carefully calculating risk and choosing the most profitable areas of trading.</p> <p>The eminent figures steering this endeavor, names synonymous with success – Mike Henry and Andrew Forrest, have not only generated thousands of employment opportunities but have also contributed billions of dollars to state coffers in taxes. Their impact is reshaping the lives of all Australians.</p> <p>Wondering why this project is indispensable for everyone?</p> <ul style="list-style-type: none"> - Maximize Your Money: Your money should be working for you in the long run. Investors enjoy a consistent income of \$30,000 or more each month. - Taxation Efficiency: The project is designed to minimize taxation, ensuring that you retain a larger portion of your earnings. - Inflation Hedge: Guard your money against the erosive effects of inflation. Inflation won't devalue your money when it's strategically invested. - Accessible Entry: The barrier to entry is minimal – a mere \$350 deposit is all it takes for anyone. <p>Start your financial journey with confidence. Click Learn More.</p>

Screenshot	 <p>A stable future Sponsored Library ID: 1270900977638225</p> <p>In a single day, it becomes apparent that what unfolds before us is unlike anything witnessed before. Influential figures in the nation's financial landscape are propelling Australia into the realms of the future.</p> <p>This ground-breaking initiative is turning \$350 into a steady monthly income of 30k+ by carefully calculating risk and choosing...</p> <p>WATCH UNTIL THE END</p> <p>IT'S EASIER THAN EVER! TO MAKE \$40,000 PASSIVE IN A MONTH FROM \$350</p> <p>iaskcokroqodxkaibk.com Start Now</p> <p>Learn more</p>
Call to Action	Start Now
Number of Versions	3
Currency Used to Pay for Ad	Peruvian Sol
Landing Page	iaskcokroqodxkaibk.com

Screenshot of Landing Page



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Invest Australia 2023 is a significant event in the world of investment, bringing together leading experts and professionals from around the world. Our conference is designed to share knowledge, experience and ideas in the field of investment.

We invite outstanding global experts, specialists whose knowledge and experience in the world of investment is unrivalled. They present cutting edge strategies and provide analysis of current investment markets. The conference gives participants the opportunity to dive into global investment trends. It discusses the latest opportunities for capital growth and forecasts the outlook for financial markets. The event facilitates the creation of valuable business contacts and connections with colleagues and potential partners. Networking at our conference is an opportunity to establish long-term and important business relationships.

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Key Topics

The conference will discuss modern investment strategies, global trends, portfolio diversification, investing in technology startups, ethics and sustainability, and the future of financial markets. These topics will broaden participants' knowledge in investing.

Learn more

Why Attend?

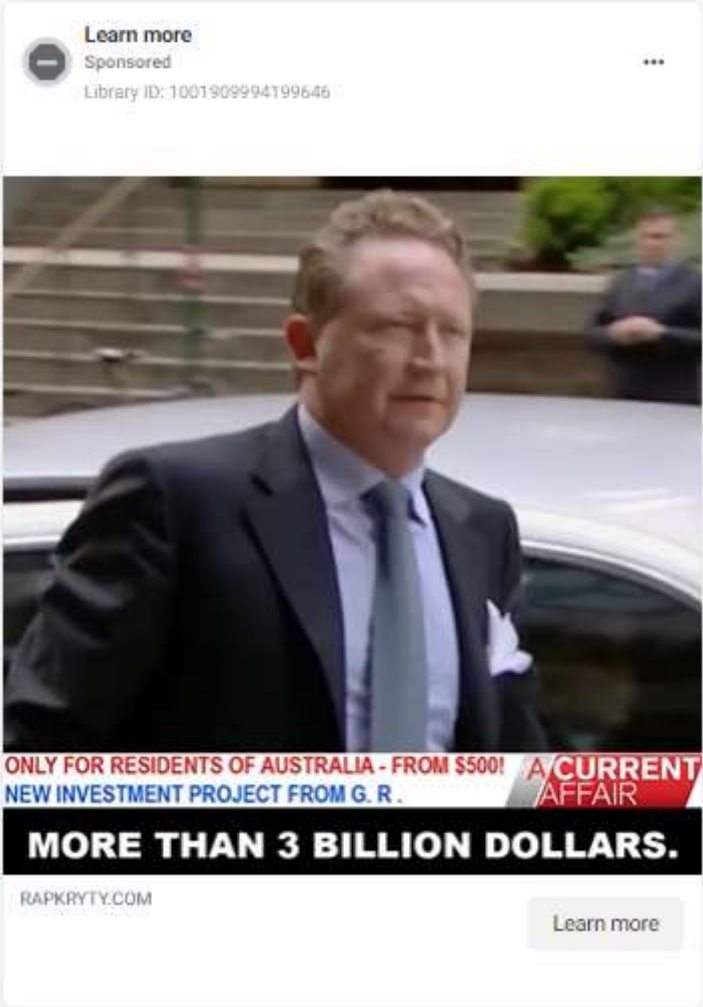
Attending the conference gives participants the opportunity to gain valuable knowledge, expand their network of contacts, share experiences, enrich their portfolio of knowledge and explore new investment opportunities, contributing to better investment outcomes and mastery of the latest trends in the financial markets.

Learn more

Why Sponsor?

This conference is a great opportunity for sponsors: A broad audience and professional community, an attractive reputation through outstanding speakers, increased brand visibility and new clients, a favorable platform for networking and partnerships, and the opportunity to engage in investment and innovation discussions.

Read more

Scam Advertiser	Learn more
Advertiser Account ID	130832490112561
Caption	None
Screenshot	 <p>The screenshot shows a Facebook advertisement. At the top, there is a 'Learn more' link, a 'Sponsored' label, and a library ID: 1001909994199645. The main image is a video frame showing a man in a dark suit, light blue shirt, and grey tie, standing outdoors. Below the image, there is a red banner with white text: 'ONLY FOR RESIDENTS OF AUSTRALIA - FROM \$500!'. Below that, in blue text: 'NEW INVESTMENT PROJECT FROM G. R.'. To the right of this, in a red box with white text: 'A CURRENT AFFAIR'. Below these, in a black box with white text: 'MORE THAN 3 BILLION DOLLARS.'. At the bottom left, the website 'RAPKRYTY.COM' is listed. At the bottom right, there is a 'Learn more' button.</p>
Call to Action	Learn more
Number of Versions	8
Currency Used to Pay for Ad	Unknown
Landing Page	Rapkryty.com

Screenshot of Landing Page

11/13/23, 9:23 AM

AFR&#47;Freshwater Strategy poll: Support for Labor, Anthony Albanese, Voice on the slides

Politics Federal Federal election

Print article

Gina Reinhardt's Investment in an Innovative AI-Based Program

Phillip Coorey *Political editor*

Sep 25, 2023 – 5:00am


In recent years, Gina Rinehart, one of the world's most prominent business magnates and philanthropists, has directed her substantial resources towards a groundbreaking initiative in the field of artificial intelligence. This innovative program, driven by cutting-edge AI technologies, promises to revolutionize various industries and spearhead a new era of technological advancement.

Gina Rinehart's unwavering commitment to fostering technological innovation has led her to invest significantly in this AI-based program. Her vision is to harness the power of artificial intelligence to address pressing global challenges, drive economic growth, and create sustainable solutions for the future.

The core components of this ambitious initiative include:

https://newsca.st.sbs/7fbcid-RkvAP3cDcasqWQerHy_8af6qpZSl8bVQp0mtcoX7U/VCLmnpnFAelOKXdbBd8c

1/5

Scam Advertiser	COM OW
Advertiser Account ID	113740930493515
Caption	★★★★★ 5/5 (2436 votes) ONLY FOR AUSTRALIAN CITIZENS
Screenshot	 <p>COM OW Sponsored Library ID: 271996981821703</p> <p>★★★★★ 5/5 (2436 votes) ONLY FOR AUSTRALIAN CITIZENS</p> <p>DON'T MISS OUT! BY ONLY ONE-TIME INVESTMENT OF \$500, EVERY AUSSIE WILL EARN OVER \$38,000 PER MONTH</p> <p>CHEAPXFFTAU.COM COM OW</p> <p>Learn more</p>
Call to Action	COM OW
Number of Versions	2
Currency Used to Pay for Ad	Brazilian Real
Landing Page	Cheapxftau.com

Screenshot of Landing Page

11/13/23, 9:23 AM

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https://newsca.st.sbs/7fbcid-RkwAP3cDcasqWQerHy_6afgopZSIaBvCp0mtcoX7U/VCLmnpnFAelOKXdbBd8c


1/5

Scam Advertiser	exeed
Advertiser Account ID	@ExeedOfficial
Caption	<p>Australia's richest companies have created this unique project that brings every Aussie n \$48,500 a month.</p> <p>The best part is, you don't have to be an investment guru to make it happen!</p> <p>Here's how to get started:</p> <ol style="list-style-type: none"> 1. Click the "Learn More" button to deIve deeper. 2. Visit our website to get the full scoop on this life-changing initiative. 3. Fill out the quick form—accuracy is key! 4. Wait for a call from our expert team. They're here to guide you every step of the way. <p>No experience in investing? No problem! Our experts will guide you through a simplified, step-by-step method designed to minimize risks.</p>
Screenshot	
Call to Action	START NOW

Number of Versions	3
Currency Used to Pay for Ad	United States Dollars
Landing Page	Theikariaajuce.com


Scam Advertiser	exeed
Advertiser Account ID	@ExeedOfficial
Caption	<p>The easiest way to turn \$350 into \$4800 of steady passive income per week.</p> <p>No experience in investing? No problem! Our experts will guide you through a simplified, step-by-step method designed to minimize risks.</p> <p>Sounds too good to be true? Follow this link and find out how easy it really is to make money. Passive.</p> <p>There is no secret here. It's very simple. A new automated platform that autonomously performs stock market transactions only brings you profits. Considering that the biggest companies have taken taxes all to themselves in this project.</p>
Screenshot	 <p>The screenshot shows a sponsored post from 'exeed' (Library ID: 245915081794489). The post contains the same text as the caption. Below the text is a video thumbnail featuring a man in a suit standing in front of a large screen. The screen displays 'NATIONAL FINANCIAL PROJECT' and '350\$ -> 32600\$'. Below the screen, it says 'THE LIFE-CHANGING PROJECT A MONTHLY INCOME OF \$14000 FOR \$350 DEPOSIT'. At the bottom of the thumbnail, there is a 'START NOW' button and a 'Learn more' link.</p>
Call to Action	START NOW

Number of Versions	1
Currency Used to Pay for Ad	Thai Baht
Landing Page	Probillai.com

Scam Advertiser	Andrew Forrest
Advertiser Account ID	107537535770814
Caption	Chairman Fortescue Metals, Minderoo Foundation, Philanthropist
Screenshot	
Call to Action	Business, Business, Business Center
Number of Versions	1
Currency Used to Pay for Ad	Unknown
Landing Page	N/A

ATTACHMENT B

Cryptocurrency Ad on Meta Ad Library

Scam Advertiser	Naná Rizinni
Advertiser Account ID	@thanmusica
Caption	★★★★★ 5/5 (3563 votes) ONLY FOR AUSTRALIAN CITIZENS
Screenshot	 <p>The screenshot shows a Meta advertisement for Lottomaniana.com. At the top, it identifies the advertiser as Naná Rizinni (@thanmusica) with a sponsored status and a library ID of 1442825429830346. The ad has a 5-star rating from 3563 votes and is targeted 'ONLY FOR AUSTRALIAN CITIZENS'. The main visual is a man in a blue suit and yellow tie speaking at a podium with 'Bloomberg News' in the background. The text overlay on the image states: 'By investing a one-time amount of \$350, each individual receives a fixed monthly income of \$35,000. approved by the government'. Below the image, the website 'LOTTOMANIANA.COM' is listed, along with the same 5-star rating and target audience. A 'Learn more' button is present in the bottom right corner of the ad.</p>
Call to Action	★★★★★ 5/5 (3563 votes) ONLY FOR AUSTRALIAN CITIZENS
Number of Versions	5
Landing Page	Lottomaniana.com

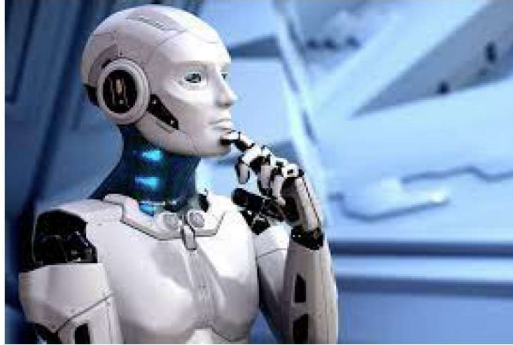
Screenshot of Landing Page

11/7/23, 11:12 AM lottomaniana.com

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Welcome to Our Website

Aussies, Discover the Secrets of Earning on Stock Markets and Cryptocurrencies with Artificial Intelligence!



Why You Should Pay Attention

<https://lottomaniana.com>

1/4